AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

12 368-101
GSA

12-30-81
Vol. 46 No. 250
Pages 63031-63202

federal register

Wednesday
December 30, 1981

Highlights

63052 **Meat Inspection** USDA/AMS/FSQS proposes to revise standards for grades of carcass beef and slaughter cattle.

63076, 63077 **Banking** FHLBB proposes to reduce restrictions on savings accounts. (2 documents)

63031 **Nuclear Power Plants and Reactors** NRC amends emergency planning regulations.

63085 **Flood Insurance** FEMA proposes to amend National Flood Insurance Program provisions.

63158 **Procurement** OMB solicits views on development of uniform Federal procurement procedures.

63034 **Small Businesses** SBA upgrades experience requirements for managers of investment companies receiving Federal funding.

63157 **Health Care** OMB issues notice on costs of hospital care and outpatient medical and dental treatment furnished by Federal agencies.

63174 **Waterways** Panama Canal Commission revises shipping and navigation rules. (Part III of this issue)

63159 **Postal Service** PS increases preferred postage rates.

CONTINUED INSIDE

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $75.00 per year, or $45.00 for six months, payable in advance. The charge for individual copies is $1.00 for each issue, or $1.00 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register.**

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

Highlights

63198 **Warehouses—Agriculture** USDA/AMS specifies fees to be charged warehousemen for licenses and examinations of warehouses. (Part IV of this issue)

63075 **Agricultural Commodities** USDA/CCC proposes to amend standards of approval for warehouses for grain, rice, dry edible beans, and seed.

63096 **Peanuts** USDA/CCC issues price support determination under 1981-Crop Farm-Stored Peanut Loan and Purchase Program.

Privacy Act Documents

63108 FCC
63141 NCUA

63161 **Sunshine Act Documents**

Separate Parts of this Issue

63170 **Part II, USDA/FGIS**
63174 **Part III, Panama Canal Commission**
63198 **Part IV, USDA/AMS**

Contents

Federal Register
Vol. 46, No. 250
Wednesday, December 30, 1981

Agricultural Marketing Service
RULES
63198 Warehouse examination or inspection; fees for services
PROPOSED RULES
Meats, prepared meats, and meat products:
63052 Livestock; carcass beef and slaughter cattle grade standards

Agriculture Department
See Agricultural Marketing Service; Commodity Credit Corporation; Federal Grain Inspection Service; Food Safety and Quality Service.

Blind and Other Severely Handicapped, Committee for Purchase From
RULES
Procurement:
63046 Workshop qualification and responsibilities; technical amendments

Census Bureau
NOTICES
Committees; establishment, renewals, terminations, etc.:
63097 Agriculture Statistics Census Advisory Committee

Civil Rights Commission
NOTICES
Meetings; State advisory committees:
63096 Vermont

Commerce Department
See also Census Bureau; Foreign-Trade Zones Board; International Trade Administration; National Oceanic and Atmospheric Administration.
NOTICES
Committees; establishment, renewals, terminations, etc.:
63100 Economic Advisory Board

Commodity Credit Corporation
PROPOSED RULES
Loan and purchase programs:
63075 Grain, rice, dry edible beans, and seed; warehouse approval standards
NOTICES
Loan and purchase program:
63096 Peanuts

Commodity Futures Trading Commission
RULES
63035 Reporting and recordkeeping requirements

Energy Department
See also Hearings and Appeals Office, Energy Department.
RULES
Powerplant and industrial fuel use:
63033 Existing and new powerplants and major fuel burning installations; administrative procedures and exemption criteria applicable to owners and operators; simplification; correction

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
63043 Alabama
63042 Rhode Island
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
63044, 63045 Carbofuran (2 documents)
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
63082 Virginia
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
63085 Atrazine
NOTICES
Pesticides; temporary tolerances:
63106 Methomyl
Pesticides; tolerances in animal feeds and human food:
63105 E. I. du Pont de Nemours & Co.
63106 Mobay Chemical Corp.
Toxic and hazardous substances control:
63107 Premanufacture notices receipts

Federal Communications Commission
NOTICES
63108 Privacy Act; annual systems of records; annual publication

Federal Crop Insurance Corporation
NOTICES
63161 Meetings; Sunshine Act

Federal Deposit Insurance Corporation
NOTICES
63161 Meetings; Sunshine Act (2 documents)

Federal Emergency Management Agency
RULES
Federal crime insurance program; eligible States:
63051 Louisiana
Flood elevation determinations:
63048 Illinois
63049 Wisconsin
Flood insurance; special hazard areas:
63047 Pennsylvania et al.; interim
Flood insurance; special hazard areas; map corrections:
63049, 63050 Texas (2 documents)
PROPOSED RULES
Flood elevation determinations:
63094 Arkansas

63085 Flood insurance program; coverage, sales, and loss prevention provisions
NOTICES
Radiological emergency; State plans:
63125 Louisiana

Federal Grain Inspection Service
NOTICES
Grain standards; inspection points:
63171 California and Washington
63170 Colorado and Nebraska
63170 Iowa, Nebraska, and South Dakota

Federal Home Loan Bank Board
RULES
Federal home loan bank system, etc.:
63033 Litigation expenses of officers, directors, and employees; liberalization of payment terms
PROPOSED RULES
Federal savings and loan system, etc.:
63077 Certificate accounts; negotiability, maximum term, Eurodollar deposits, and "loopholes"
63076 Savings account activity charges and small accounts

Federal Procurement Policy Office
NOTICES
63159 Labor surplus area program (Policy Letter 81-2, Supplement No. 1)
63158 Procurement policies, regulations, procedures, and forms; uniform procedures for public comment and review; proposed policy letter

Federal Reserve System
NOTICES
Applications, etc.:
63125 Coffee County Bancshares, Inc.
63125 El Campo Bancshares, Inc.
63125 First Busey Corp.
63125 First International Bancshares, Inc.
63126 Global Bancorporation
63126 Mason State Co.
63126 W. T. B. Corp.

Food Safety and Quality Service
PROPOSED RULES
Meats, prepared meats, and meat products:
63052 Livestock; carcass beef and slaughter cattle grade standards

Foreign-Trade Zones Board
NOTICES
Applications, etc.:
63097 California

Geological Survey
PROPOSED RULES
63082 Coal exploration and mining operations; public information briefings

Hearings and Appeals Office, Energy Department
NOTICES
63100 Special refund procedures; implementation and inquiry

Interior Department
See also Geological Survey; Land Management Bureau; National Park Service; Reclamation Bureau.
NOTICES
63129 Outer Continental Shelf oil and gas leasing program; 5-year schedule; sale No. 67 (Gulf of Mexico)

International Trade Administration
NOTICES
Meetings:
63098 Computer Systems Technical Advisory Committee
63098 Telecommunications Equipment Technical Advisory Committee

Interstate Commerce Commission
NOTICES
Motor carriers:
63129 Finance applications
63137, 63138 Permanent authority applications (2 documents)
63132 Permanent authority applications; operating rights republication
63135 Permanent authority applications; restriction removals
63130 Temporary authority applications
Organization, functions, and authority delegations:
63132 Restriction Removal Employee Board, Special; reappointment of members
Rail carriers:
63134 Boston & Maine Corp.; contract tariff exemption
Railroad operation, acquisition, construction, etc.:
63134 Apache Railway Co.; abandonment exemption
Railroad services abandonment:
63129 Chicago & North Western Transportation Co.

Land Management Bureau
RULES
Public land orders:
63047 Colorado
PROPOSED RULES
63082 Coal management; federally owned coal; public information briefings
NOTICES
63126 Classification of land, proposed; Idaho, suitability and unsuitability, for agricultural development; inquiry; correction
Coal management program:
63127 Fort Union Coal Production Region, Mont. and N. Dak.; final leasing target adopted

Management and Budget Office
See also Federal Procurement Policy Office.
NOTICES
63157 Hospital and medical care and treatment furnished by U.S., cost; rates regarding recovery from tortiously liable third persons

National Credit Union Administration
NOTICES
63141 Privacy Act; systems of records; annual publication

National Oceanic and Atmospheric Administration
NOTICES
Meetings:
63098 Caribbean Fishery Management Council

63099 Marine Fisheries Advisory Committee
63099 New England Fishery Management Council

National Park Service
NOTICES
Committees; establishment, renewals, terminations, etc.:
63128 San Antonio Missions Advisory Commission

Nuclear Regulatory Commission
RULES
Production and utilization facilities, domestic licensing:
63031 Emergency planning and preparedness
63033 Reporting, recordkeeping, and application requirements
NOTICES
Applications, etc.:
63156 Jersey Central Power & Light Co.
63156 Kansas Gas & Electric Co. et al.
63157 Regulatory guides; issuance and availability

Occupational Safety and Health Review Commission
RULES
Procedure rules:
63041 Simplified proceedings, briefs, etc.; final rules

Panama Canal Commission
RULES
63174 Shipping and navigation

Postal Service
NOTICES
Rates and fees:
63159 Preferred-rate mailers; domestic mail

Railroad Retirement Board
RULES
63040 Recordkeeping requirements

Reclamation Bureau
NOTICES
Environmental statements; availability, etc.:
63128 O'Neill Unit, Pick-Sloan Missouri Basin program, Nebr.

Securities and Exchange Commission
RULES
63036 Information collection requirements
NOTICES
63162 Meetings; Sunshine Act

Small Business Administration
RULES
Small business investment companies:
63034 Managerial experience requirements upgraded; policy statement
NOTICES
Applications, etc.:
63160 Beneficial Funding Corp.

MEETINGS ANNOUNCED IN THIS ISSUE

CIVIL RIGHTS COMMISSION
63096 Vermont Advisory Committee, Montpelier, Vt. (open), 1-19-82

COMMERCE DEPARTMENT
International Trade Administration—
63098 Computer Systems Technical Advisory Committee, Licensing Procedures Subcommittee, Washington, D.C. (open), 1-13-82
63098 Telecommunications Equipment Technical Advisory Committee, Switching Subcommittee, Washington, D.C. (partially open), 1-19-82
National Oceanic and Atmospheric Administration—
63098 Caribbean Fishery Management Council, St. Croix, Virgin Islands (open), 1-27 and 1-28-82
63098 Caribbean Fishery Management Council and its Administrative Subcommittee, St. Croix, Virgin Islands (open), 1-26-82
63099 Marine Fisheries Advisory Committee, Washington, D.C. (open), 1-19 through 1-21-82
63099 New England Fishery Management Council, Danvers, Mass. (partially open), 1-26 and 1-27-82
63099 New England Fishery Management Council, Scientific and Statistical Committee, Saugus, Mass. (open), 1-20-82

INTERIOR DEPARTMENT
Land Management Bureau—
Federal Coal Management Program:
63082 Casper, Wyo. (open), 1-13-82
63082 Farmington, N. Mex. (open), 1-15-82
63082 Salt Lake City, Utah (open), 1-11-82

HEARINGS

AGRICULTURE DEPARTMENT
Agricultural Marketing Service/Food Safety and Quality Service—
Standards for Grades of Carcass Beef and Slaughter Cattle:
63052 Salt Lake City, Utah, 2-29-82
63052 Atlanta, Ga., 2-11-82
63052 Washington, D.C. 2-16-82
63052 Des Moines, Iowa, 2-22-82
63052 Dallas, Tex., 2-25-82

COMMERCE DEPARTMENT
Foreign-Trade Zones Board—
63097 Proposed Foreign-Trade Zone for City of Industry, California; Terminal Island, Calif., 1-27-82

CFR PARTS AFFECTED IN THIS ISSUE

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

7 CFR
102 63198
103 63198
104 63198
106 63198
107 63198
108 63198
111 63198

Proposed Rules:
53 63052
1421 63075
2853 63052

10 CFR
50 (2 documents) ... 63031, 63033
503 63033

12 CFR
522 63033
545 63033

Proposed Rules:
545 (2 documents) ... 63076, 63077
555 63077
563 63077

13 CFR
107 63034

17 CFR
Ch. I 63035
200 63036

20 CFR
220 63040
266 63040
345 63040

29 CFR
2200 63041

30 CFR

Proposed Rules:
211 63082

35 CFR
Ch. I 63174

40 CFR
52 (2 documents) ... 63042, 63043
180 (2 documents) ... 63044, 63045

Proposed Rules:
52 63082
180 63085

41 CFR
51-4 63046

43 CFR

Public Land Orders:
6099 63047

Proposed Rules:
3400 63082

44 CFR
65 63047
67 (2 documents) ... 63048, 63049
70 (2 documents) ... 63049, 63050
81 63051

Proposed Rules:
61 63085
67 63094

Rules and Regulations

Federal Register
Vol. 46, No. 250
Wednesday, December 30, 1981

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.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Emergency Planning and Preparedness for Production and Utilization Facilities

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission is making two changes to its emergency planning regulations. The change to 10 CFR Part 50, Appendix E delays the date by which prompt public notification systems must be operational around all nuclear power plants. The change to § 50.54 clarifies the language of the rule to conform with the Commission's intent at the time of promulgation.

EFFECTIVE DATE: December 30, 1981.

FOR FURTHER INFORMATION CONTACT: Michael T. Jamgochian, Human Factors Branch, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (telephone 301–443–5942).

SUPPLEMENTARY INFORMATION:

I. The Amendment to 10 CFR Part 50, Appendix E

On August 19, 1980, the NRC published a revised emergency planning regulation which became effective on November 3, 1980. The rule required licensees to demonstrate, among other things, by July 1, 1981:

"that administrative and physical means have been established for alerting and providing prompt instructions to the public within the plume exposure pathway EPZ. The design objective shall be to have the capability to essentially complete the initial notification of the public within the plume exposure pathway EPZ within about 15 minutes."

On August 11, 1981, the Commission discussed possible actions because licensees failed to comply with the July 1, 1981 requirement contained in 10 CFR 50.47(b)(5) and 10 CFR 50, Appendix E, Section IV.D.3. The licensees' failure to meet the July 1, 1981 date was attributed to unforeseen difficulties and uncertainties surrounding the design, procurement and installation of the prompt notification systems.

At the August 11, 1981 meeting, the Commission approved publication of a proposed rule change which would provide an extension of the July 1, 1981 date to February 1, 1982. (See 46 FR 46587). That **Federal Register** notice requested public comment during a 30-day period ending October 21, 1981.

To date, comments have been received from four NRC licensees, five individuals or organizations in the nuclear industry, one from the general public, three from environmental organizations, one from a mass transit system director, and one from a State governor. The comments received from the general public and from the environmental organizations were against delaying the implementation date to February 1982. The letters from the other commenters generally agree with extending the implementation date along with additional suggestions.

One suggested modification to the proposed rule change, which has been accepted and included in these final amendments, is not to eliminate the four-month period for correction of any deficiencies identified during the initial testing of the prompt notification system. The Commission now believes that the elimination of this four-month period would be inconsistent with the need to perform a reasonable test of the system and make any needed changes as indicated by the test results. The enclosed effective regulation incorporates this concept. The installation date, however, remains February 1, 1982, and any licensee not completing the installation by that date would be subject to enforcement action.

After evaluating all public comment letters received, the Commission has decided to publish, as immediately effective, a final rule change to 10 CFR Part 50, Appendix E which will delay the implementation date for the prompt public notification systems from July 1, 1981 to February 1, 1982.

This decision is based on a recognition that emergency plans and preparedness have significantly improved within the last year at and around every nuclear power plant site. This significant improvement has been confirmed by NRC teams who have visited a number of plant sites to evaluate the licensees' compliance with the upgraded emergency planning regulations of August 1980. In addition, the Federal Emergency Management Agency (FEMA) and the NRC have monitored numerous nuclear emergency exercises involving State and local governments and the licensees, and again have witnessed a significant improvement on onsite and offsite emergency preparedness.

The decision to delay the implementation data is also based on the recognition that there exist customary warning systems (police, radio, telephone) which are viewed as sufficiently effective in many postulated accident scenarios. In view of the above, the Commission finds that there exists sufficient reason to believe that appropriate protective measures can and will be taken for the protection of the health and safety of the public in the event of a radiological emergency during the extended time period for compliance.

II. The Amendment to 10 CFR 50.54

Additionally, 10 CFR 50.54(s)(2), currently requires that,

"For operating power reactors, the licensee, State, and local emergency response plans shall be implemented by April 1, 1981, except as provided in Section IV.D.3 of Appendix E of this part. If after April 1, 1981, the NRC finds that the state of emergency preparedness does not provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency and if the deficiencies are not corrected within four months of that finding, the Commission will determine whether the reactor shall be shut down until such deficiencies are remedied or whether other enforcement action is appropriate."

It has come to the Commission's attention that because this section of the regulation was written as one paragraph, it can be interpreted to mean that the four-month period for the correction of emergency preparedness deficiencies does not apply to "Section IV.D.3 of Appendix E."

This is a misinterpretation of the Commission's intent, which was that the four-month period is to apply to any deficiencies identified in the emergency plans. The Commission is therefore modifying § 50.54(s)(2) to more clearly reflect that intent. The four-month period provided in § 50.54(s)(2), will not apply to any licensee for the installation and initial test of the public notification system by February 1, 1982. If a licensee is not in compliance with this requirement for installation and testing by February 1, 1982, the Commission will consider taking appropriate enforcement actions promptly at that time. In determining appropriate enforcement action to initiate, the Commission will take into account, among other factors, the demonstrated diligence of the licensee in attempting to fulfill the prompt public notification capability requirement. The Commission will consider whether the licensee has kept the NRC informed of the steps that it has taken, when those steps were taken and any significant problems encountered, and the updated timetable which the licensee expects will be met in achieving full compliance with the prompt public notification capability requirements. The four-month period will, however, apply to correction of deficiencies identified during the initial test of the prompt public notification systems as well as those deficiencies discovered thereafter.

Because the amendment to § 50.54(s)(2) is interpretative and of a minor nature, simply resolving an ambiguity in the rules to the Commission's intended meaning at the time of promulgation, the Commission finds good cause to dispense with advance notice and opportunity for public comment thereon as unnecessary. For this reason, this change shall be effective as a final rule on December 30, 1981.

Likewise, the Commission is publishing the final amendments to 10 CFR Part 50, Appendix E (extending the implementation date for the installation of a prompt public notification system) as effective immediately upon publication, pursuant to 5 U.S.C. 553(d)(1), since the rule is expected to relieve the obligation of certain licensees with respect to the present July 1, 1981 deadline for operational public notification systems. In that regard, the Commission notes that the final rule, when effective, will be applied to ongoing licensing proceedings now pending and to issues or contentions therein. *Union of Concerned Scientists* v. *AEC*, 499 F. 2d 1069 (D.C. Cir. 1974).

Regulatory Flexibility Act Statement

Pursuant to the Regulatory Flexibility Act of 1980, Pub. L. 96–354, the NRC has determined: (1) That the delaying of the implementation date for the prompt public notification systems will not have a significant economic impact on a substantial number of small entities, pursuant to the Regulatory Flexibility Act of 1980, section 605(b) and (2) that the rule change to § 50.54(s)(2) is not subject to the provisions of the Regulatory Flexibility Act of 1980, because the Commission has determined pursuant to 5 U.S.C. 553 that a notice of proposed rulemaking for § 50.54 (s)(2) need not be issued and that the rule may be promulgated in final form and become effective on December 30, 1981.

Paperwork Reduction Act Statement

Pursuant to the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511), the NRC has made a determination that this final rule does not impose new recordkeeping, information collection, or reporting requirements.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of title 5 of the United States Code, the following amendments to 10 CFR Part 50 are published as documents subject to codification:

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

The authority citation for Part 50 reads as follows:

Authority: Secs. 103, 104, 161, 182, 189, 68 Stat. 936, 937, 948, 953, 954, 955, 956, as amended (42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2239); secs. 201, 202, 206, 88 Stat. 1243, 1244, 1246 (42 U.S.C. 5841, 5842, 5846), unless otherwise noted. Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 50. 78–50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Sections 50.100–50.102 issued under sec. 186, 68 Stat. 955 (42 U.S.C. 2236). For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), § 50.41(i) issued under sec. 161i, 68 Stat. 949 (42 U.S.C. 2201(i)); §§ 50.70, 50.71, and 50.78 issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)), and the laws referred to in Appendices.

Appendix E [Amended]

1. Section IV.D.3 of Appendix E to Part 50 is revised to read as follows:

Appendix E—Emergency Planning and Preparedness for Production and Utilization Facilities*

* * * * *

D. *Notification Procedures*

* * * * *

3. A licensee shall have the capability to notify responsible State and local governmental agencies within 15 minutes after declaring an emergency. The licensee shall demonstrate that the State/local officials have the capability to make a public notification decision promptly on being informed by the licensee of an emergency condition. By February 1, 1982, each nuclear power reactor licensee shall demonstrate that administrative and physical means have been established for alerting and providing prompt instructions to the public within the plume exposure pathway EPZ. The four-month period in 10 CFR 50.54(s)(2) for the correction of emergency plan deficiencies shall not apply to the initial installation of this public notification system that is required by February 1, 1982. *The four-month period will apply to correction of deficiencies identified during the initial installation and testing of the prompt public notification systems as well as those deficiencies discovered thereafter.* The design objective of the prompt public notification system shall be to have the capability to essentially complete the initial notification of the public within the plume exposure pathway EPZ within about 15 minutes. The use of this notification capability will range from immediate notification of the public (within 15 minutes of the time that State and local officials are notified that a situation exists requiring urgent action) to the more likely events where there is substantial time available for the State and local governmental officials to make a judgment whether or not to activate the public notification system. Where there is a decision to activate the notification system, the State and local officials will determine whether to activate the entire notification system simultaneously or in a graduated or staged manner. The responsibility for activating such a public notification system shall remain with the appropriate governmental authorities.

* * * * *

2. § 50.54(s)(2) is revised to read as follows:

§ 50.54 Conditions of licenses.

* * * * *

(s) * * *

(2)(i) For operating power reactors, the licensee, State, and local emergency response plans shall be implemented by April 1, 1981, except as provided in Section IV.D.3 of Appendix E to this part.

(ii) If after April 1, 1981, the NRC finds that the state of emergency preparedness does not provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency (*including findings based on requirements of Appendix E, Section IV.D.3*) and if the

*The regulation has been typed in comparative text showing changes from the proposed rule change published in the **Federal Register** on September 21, 1981.

deficiencies (*including deficiencies based on requirements of Appendix E, Section IV.D.3*) are not corrected within four months of that finding, the Commission will determine whether the reactor shall be shut down until such deficiencies are remedied or whether other enforcement action is appropriate. In determining whether a shutdown or other enforcement action is appropriate, the Commission shall take into account, among other factors, whether the licensee can demonstrate to the Commission's satisfaction that the deficiencies in the plan are not significant for the plant in question, or that adequate interim compensating actions have been or will be taken promptly, or that that there are other compelling reasons for continued operation.

* * * * *

Dated at Washington, D.C. this 23rd day of December, 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-37091 Filed 12-29-81; 8:45 am]

BILLING CODE 7590-01-M

---

10 CFR Part 50

Reporting, Recordkeeping, and Application Requirements; Approval

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations on the domestic licensing of production and utilization facilities to indicate Office of Management and Budget approval of the information collection requirements contained in the regulations. This action is required by the Paperwork Reduction Act of 1980.

EFFECTIVE DATE: December 30, 1981.

FOR FURTHER INFORMATION CONTACT: Steve Scott, Chief, Document Management Branch, Division of Technical Information and Document Control, Office of Administration, Telephone: (301) 492-6585.

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1980 (Pub. L. 96-511; 44 U.S.C. Chapter 35) transferred the responsibility for approving the information collection requirements imposed by the Nuclear Regulatory Commission (NRC) on the public from the General Accounting Office (GAO) to the Office of Management and Budget (OMB). The Act requires that each existing information collection requirement be reapproved by OMB as existing GAO clearances expire. This requirement applies to the application, recordkeeping, and reporting requirements contained in NRC regulations.

On October 30, 1981, the NRC obtained OMB reapproval for the information collection requirements contained in 10 CFR Part 50. This amendment adds a new § 50.8 to Part 50 setting out the OMB approval number, the expiration date of the current approval, and a list of sections within Part 50 that contain an approved information collection requirement. This amendment also removes the note concerning the expired GAO clearance that follows § 50.110.

Because this is a nonsubstantive amendment dealing with a minor procedural matter, good cause exists for finding that the notice and comment procedures of the Administrative Procedure Act (5 U.S.C. 553) are unnecessary and for making the amendment effective December 30, 1981.

Under the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the following amendments to 10 CFR Part 50 are published as a document subject to codification. The authority citation for this document is:

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Authority: Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201)

1. Section 50.8 is added to read as follows:

§ 50.8 Reporting, recordkeeping, and application requirements: OMB approval.

(a) the Nuclear Regulatory Commission has submitted the information collection requirements contained in this part of the Office of Management and Budget (OMB) for approval as required by the Paperwork Reduction Act (Pub. L. 96-511). OMB approved the information collection requirements on October 30, 1981.

(1) The OMB approval number is 3150-0011.

(2) OMB approval expires April 30, 1982.

(b) The approved information collection requirements include the application, recordkeeping, and reporting requirements contained in §§ 50.30, 50.33, 50.33a, 50.34(b), (c), (d), (f), 50.34a, 50.35(b), 50.36, 50.36a, 50.48, 50.54(f), (p), (q), (r), (s), (t), (u), 50.55(e), 50.55a, 50.59(b), (c), 50.71(a), (b), (c), (d), (e), 50.72(a), (b), 50.80, 50.82, 50.90, and Appendices A, B, C, E, G, H, J, K, and R.

§ 50.110 [Amended]

2. The note following § 50.110 is removed.

Dated at Bethesda, Maryland, this 11th day of December, 1981.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 81-37090 Filed 12-29-81; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF ENERGY

10 CFR Part 503

[Docket No. ERA-R-81-06]

Powerplant and Industrial Fuel Use Act of 1978; Final Rules

Correction

In FR Doc. 81-34770 appearing on page 59872 in the issue of Monday, December 7, 1981, make the following corrections:

(1) In § 503.6(c)(2), the following lines were inadvertently omitted above the equation on page 59906:

EQ4 DELTA = COST (ALTERNATE) – COST (OIL) where COST(ALTERNATE) and COST(OIL) are determined by:

(2) In § 503.36(a), paragraph (5) was incorrectly designated as (b); therefore, on page 59914, first column, in the 30th line, "(b) For powerplants . . ." should have read "(5) For powerplants . . .".

BILLING CODE 1505-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 522 and 545

[No. 81-800]

Payment of Litigation Expenses of Federal Home Loan Bank Officers, Directors, and Employees

Dated: December 17, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board is amending the Regulations for the Federal Home Loan Bank System to liberalize the terms on which the Banks may pay expenses of officers, directors, and employees involved in litigation arising out of their Bank duties. The amendment will allow the Federal Home Loan Banks to establish their own policies regarding litigation expenses.

EFFECTIVE DATE: December 17, 1981.

FOR FURTHER INFORMATION CONTACT: James C. Stewart ((202) 377-6457), Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW, Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: The Federal Home Loan Bank Board is

amending the Regulations for the Federal Home Loan Bank System to liberalize the terms on which the Federal Home Loan Banks may advance litigation expenses of Bank personnel. The indemnification of Bank officers, directors, and employees is generally governed by Bank System Regulation § 522.72 which allows the Banks to reimburse individuals for judgments and expenses from litigation related to their actions in their capacity as officers, directors, and employees. 12 CFR 522.72.

Payment of judgments is permitted only after a majority of the Bank's directors determine that the individual was acting in good faith, within the scope of employment or authority as could be reasonably perceived, and in what was reasonably believed to be the best interests of the Bank. *Id.* at § 522.72(c). Even after making this determination, indemnification may not be made until the Board has had 60 days to object. *Id.*

Advance payment of litigation expenses is governed by paragraph (e) of § 522.72 and may be made only after a majority of the Bank's directors concludes that the officer, director, or employee would ultimately become entitled to reimbursement under § 522.72. Accordingly, the directors must make the same determinations regarding the good faith and authority of the individual involved. In addition, however, the Bank may not advance expenses to an individual until that individual agrees to repay the advance in the event he is later determined to be ineligible for indemnification.

The requirement of an advance agreement is often found in state corporate statutes relating to indemnification and these statutes appear to be the source for this provision of the Bank System Regulations. *See* Del. Code Ann. tit. 8, 145(e); Cal. Corp. Code 317(f); N.J. Stat. Ann. 14A:3-5(6); Model Business Corporation Act 5(e). Although these agreements are of some utility in recovering improperly granted advances, the Board believes that their use is not always appropriate with respect to the Federal Home Loan Banks. The officers, directors, and employees of the Banks are performing a quasi-public service in which they are required to make many difficult decisions that may expose them to liability. In the Board's view, there may be circumstances in which the personal liability of officers, directors, and employees should end if they are able to convince the Bank's directors that their actions were in good faith, within the scope of employment, and in the interests of the Bank. The amendment gives the Banks the discretion to advance litigation expenses in such circumstances. The Board has determined that the assets of the Banks can be adequately protected against waste by the principled exercise of judgment of the Bank directors and by their personal liability for any funds improperly disbursed by them. *See Jesse v. Four-Wheel Drive Auto Co.*, 189 NW 276 (Wis. 1922); *Griesse v. Lang*, 37 Ohio App. 553, 175 NE 222 (1931). Although this amendment removes the requirement of a prior agreement from the regulations, it will not prevent the Bank directors from imposing a similar requirement before advancing litigation expenses. The Board also is leaving intact the requirement of a prior agreement imposed on Federally-chartered associations through Federal Regulation § 545.25 (12 CFR 545.45), because such service is corporate rather than quasi-governmental.

Since this amendment solely affects the internal operations of the Federal Home Loan Banks, the Board finds unnecessary the notice and public procedure of 5 U.S.C. 553(b) and 12 CFR 508.12 and the 30-day delayed effective date of 5 U.S.C. 553(d) and 12 CFR 508.14. Accordingly the Board hereby amends Parts 522 and 545, Subchapters B and C, respectively, of Chapter V, title 12, *Code of Federal Regulations*, as set forth below.

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

PART 522—ORGANIZATION OF THE BANKS

1. Revise paragraph (e) of § 522.72 by removing the last sentence thereof and replacing it with the following:

§ 522.72 Indemnification.

(e) * * * Nothing in this paragraph shall prevent the directors of a Bank from imposing such conditions on a payment of expenses as they deem warranted and in the interests of the Bank.

* * * * *

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 545—OPERATIONS

2. Amend § 545.25 by adding the following sentence after the second sentence thereof:

§ 545.25 Indemnification of directors, officers, and employees.

* * * Before making advance payment of expenses under paragraph (e), the association shall obtain an agreement that the association will be repaid if the person on whose behalf payment is made is later determined not to be entitled to such indemnification.

* * *

(Sec. 17, Federal Home Loan Bank Act, as amended, 12 U.S.C. 1437; sec. 5, Home Owners' Loan Act, as amended 12 U.S.C. 1464; Reorg. Plan No. 3 of 1947, 3 CFR 1071 (1943–48 Comp.))

By the Federal Home Loan Bank Board.

Gregory B. Smith,

Acting Secretary.

[FR Doc. 81-37170 Filed 12-29-81; 8:45 am]

BILLING CODE 6720-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 107

Small Business Investment Companies; Statement of Policy Concerning Upgrading Managerial Experience Requirements for Small Business Investment Companies

AGENCY: Small Business Administration.

ACTION: Statement of General Policy.

SUMMARY: Small business investment companies (SBIC) are privately owned and operated investment firms which are licensed by the Small Business Administration and are eligible to receive funding from the Federal Government, to stimulate and supplement the flow of private equity capital and long term loan funds which small business concerns need for the sound financing of their business operations and for their growth, expansion, and modernization. To assure SBA that licensed investment companies are managed by individuals with a real interest in and the capability to serve the small business community, SBA has upgraded managerial experience requirements for SBICs. SBA does not intend to apply this policy to existing Licensees, unless they request approval of a new manager.

EFFECTIVE DATE: December 30, 1981.

FOR FURTHER INFORMATION CONTACT: Lawrence F. Friess, Director, Office of SBIC Operations, Investment Division, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, 202-653-6584.

SUPPLEMENTARY INFORMATION: This Notice is published in accordance with Section 3 of the Administrative Procedures Act (5 U.S.C. 552(a)(1)(D)) requiring Federal Agencies to publish in the **Federal Register** for the guidance of the public "* * * statements of general policy * * * formulated and adapted by the agency."

STATEMENT OF GENERAL POLICY: Upgrading Managerial Requirements for Small Business Investment Companies. To assure SBA that licensed investment companies are managed by individuals with a real interest in and the capability to serve small business concerns in the licensee's area of operations, SBA will require that satisfactory provisions must be made for a full-time responsible manager to be in charge of the licensee's operations. Such manager shall have at least five year's successful experience in a position of responsibility involving investing in business concerns; for example, in a venture capital firm, investment banking, or comparable experience and background acceptable to SBA. A degree in business related fields may be substituted for up to two years of experience. SBA may approve a manager in circumstances where the above criteria are not met, but SBA determines that potential for capable management is present. In such circumstances no leverage or additional leverage will be provided to the licensee for at least one year. Thereafter, a request for leverage will be considered only if the licensee can demonstrate to SBA's satisfaction that it has made prudent investments in small businesses, in conformity with SBA Rules and Regulations, and that it is a satisfactory credit risk. If the licensee plans to specialize in a particular industry, the manager must, in addition, have had substantial experience with that industry.

A majority of the licensee's board of directors and all officers must be American citizens or permanent resident aliens of the United States and must be conversant with the English language and with American business and financial practices.

Dated: December 18, 1981.

Michael Cardenas,

Administrator.

[FR Doc. 81-37166 Filed 12-29-81; 8:45 am]

BILLING CODE 8025-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Ch. I

Display of Office of Management and Budget (OMB) Control Numbers for Reporting and Recordkeeping Requirements

AGENCY: Commodity Futures Trading Commission.

ACTION: Technical amendments.

SUMMARY: This document amends the Commodity Futures Trading Commission regulations to include OMB control numbers at the places in the regulations where current information collection requirements are described.

EFFECTIVE DATE: December 30, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph G. Salazar, CFTC Clearance Officer, Commodity Futures Trading Commission, 2033 K Street, NW., Room 401, Washington, D.C. 20581, (202) 254-9735.

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1980 ("Act"), Pub. L. 96-511, 44 U.S.C. Chapter 35, requires Federal agencies to submit to the Office of Management and Budget ("OMB") all collection of information requests covered by the Act, so that an OMB contract number may be issued. Collection of information includes obtaining or soliciting of facts or opinions by an agency through the use of written report forms, application forms, schedules, questionnaires, reporting or recordkeeping requirements, or other similar methods calling for either—

(A) Answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on ten or more persons, other than agencies, instrumentalities, or employees of the United States; or

(B) Answers to questions posed to agencies, instrumentalities, or employees of the United States which are to be used for general statistical purposes.

After December 31, 1981, all information collection requests must display this control number.[1]

The Commission has obtained control numbers for all of its reporting and recordkeeping requirements.[2] In order to display the OMB control numbers that have been assigned, the Commission is amending its regulations so that the text of each section of the regulations which involves an information collection request is followed by the OMB control number. The list of regulations given below is also intended to display, for purposes of 44 U.S.C. 3512, reporting and recordkeeping requirements which have received OMB control numbers.

In consideration of the foregoing, the Commission hereby amends Chapter 1 of Title 17 of the Code of Federal Regulations by adding parenthetically the OMB numbers listed in the second column below following the text of the corresponding Part or Section of Chapter 1 listed in the first column:

CFR citation	OMB control No.
1.10	3035-0024
1.10(a)	3038-0023
1.10(b)	3038-0023
1.10(f)	3038-0003
1.10a	3038-0023
1.10b	3038-0023
1.10c	3038-0023
1.10d	3038-0023
1.10f	3038-0008
1.12	3038-0024
1.14	3038-0023
1.15	3038-0023
1.16	3038-0007, 3038-0024
1.17	3038-0024
1.18	3038-0024
1.20	3038-0007, 3038-0024
1.23	3038-0007, 3038-0024
1.26	3038-0007, 3038-0024
1.27	3038-0007, 3038-0024
1.31	3038-0007, 3038-0022
1.32	3038-0007, 3038-0024
1.33	3038-0007, 3038-0024
1.33(c)	3038-0005
1.34	3038-0007, 3038-0024
1.35	3038-0007, 3038-0022
1.36	3038-0007, 3038-0024
1.37	3038-0007, 3038-0024
1.37(b)	3038-0009
1.38	3038-0007, 3038-0022
1.39	3038-0007, 3038-0022
1.40	3038-0015
1.41	3038-0007, 3038-0022
1.42	3038-0020
1.43	3038-0018
1.44	3038-0019
1.46	3038-0007
1.47	3038-0013
1.48	3038-0013
1.50	3038-0007, 3038-0016
1.51	3038-0007, 3038-0022
1.52	3038-0007, 3038-0022
1.55	3038-0022
1.60	3038-0022
1.61	3038-0022
4.1	3038-0005
4.2	3038-0005
4.13	3038-0005
4.20	3038-0005
4.21	3038-0005
4.22	3038-0005
4.23	3038-0005
4.31	3038-0005
4.32	3038-0005
4.41	3038-0005

[1] Section 3512 of the Act provides a public protection clause which states that "* * * no person shall be subject to any penalty for failing to maintain or provide any information if the information collection requests was made after December 31, 1981, and does not display a current control number assigned by the Director, or fails to state that such a request is not subject to this chapter."

[2] The Commission has received two OMB numbers for information collection requests which involve both options and futures transactions. On June 29, 1981, the Commission published proposed rules to govern a pilot program for the trading of options on futures contracts or contract markets, 46 FR 33293. Specific proposed rules which constituted information collection requests received OMB number 3038-0007. The proposed rules were as follows: 1.16(e)(2); 1.16(f); 1.20 (a) and (b); 1.23; 1.26; 1.27; 17.01(a); 33.3 (f), (g) and (h); 33.5 (a), (c)-(j), (l) and (m); 33.6 (a), (b), and (e)-(g); 33.8; 33.15 (a)-(g); 33.17, 33.18 (a)-(k); 33.19; 33.20; 33.22 (a)-(e); 33.23; 33.24; 33.25; and 33.27 (c)-(f), (h) and (i). Subsequently, the Commission determined to consolidate its regulations pertaining to options contracts with existing regulations concerning futures contracts. The Commission published in the Federal Register with its final rules on option trading, a table showing the correspondence between the proposed CFR citation for the proposed option rules and the CFR citations actually adopted. (See 46 FR 54515, November 3, 1981.) The regulations concerning futures contracts which were amended to apply also to options contracts and which constituted information collection requests had at that time already received a separate OMB number, and these numbers have been coordinated.

CFR citation	OMB control No.
8.07	3038-0022
8.09	3038-0022
8.11	3038-0022
8.14	3038-0022
8.16	3038-0022
8.17	3038-0022
8.18	3038-0022
8.19	3038-0022
8.26	3038-0022
9.5	3038-0022
9.11	3038-0022
9.12	3038-0022
9.21	3038-0022
9.22	3038-0022
9.34	3038-0022
9.35	3038-0022
Part 15	3038-0007, 3038-0009
Part 16	3038-0007
16.00	3038-0009
16.01	3038-0012
16.06	3038-0009, 3038-0012
Part 17	3038-0009
17.01	3038-0007
Part 18	3038-0009
18.05	3038-0007
Part 19	3038-0009
Part 21	3038-0009
21.02	3038-0007, 3038-0017
32.5	3038-0003
32.6	3038-0003
32.7	3038-0001
32.12	3038-0001
32.12(a)	3038-0003
33.2	3038-0007
33.3	3038-0007
33.4	3038-0007
33.5	3038-0007
33.6	3038-0007
33.7	3038-0007
33.8	3038-0007
Part 155	3038-0007, 3038-0022
166.2	3038-0022
170.5	3038-0022
170.6	3038-0022
170.7	3038-0022
170.11	3038-0022
180.1	3038-0007
180.2	3038-0022
180.3	3038-0022
190.04	3038-0021
190.06	3038-0021

The aforegoing amendments are effective immediately. The amendments which are made for purposes of compliance with the Paperwork Reduction Act of 1980, 44 U.S.C. Chapter 35, contain no substantive changes and, therefore, the Commission finds that notice and other public procedures called for by 5 U.S.C. 553 are not required.

Issued in Washington, D.C., on December 23, 1981, by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81-37062 Filed 12-29-81; 8:45 am]

BILLING CODE 6351-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 200

[Release Nos. 33-6369; 34-18353; 35-22331; 39-681; IC-12117; and IA-788]

Paperwork Reduction Act: Office of Management and Budget Control Numbers Assigned to Information Collection Requirements

AGENCY: Securities and Exchange Commission.

ACTION: Addition of subpart.

SUMMARY: The Commission is amending Title 17, Chapter II, of the Code of Federal Regulations to add a new subpart N. This amendment is administrative in nature and is intended to comply with the requirements of Section 3512 of the Paperwork Reduction Act, Pub. L. 96-511, which requires that agencies display a current control number assigned by the Director of the Office of Management and Budget ("OMB") on each agency information collection requirement. In particular, this subpart collects and displays current OMB control numbers and expiration dates of those information collection requirements of the Commission which are rules and regulations and codified in 17 CFR either in full text or incorporated by reference with the approval of the Director of the Office of the Federal Register. Where the information collection requirement also exists as a separate document, as, for example, an information collection requirement which the Commission incorporates by reference in 17 CFR, the Commission, of course, will also display on the separate document as well the current OMB Control Number and the expiration date as required by Section 3512.

EFFECTIVE DATE: December 30, 1981.

FOR FURTHER INFORMATION CONTACT: George G. Kundahl, Executive Director, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 (202) 272-2700.

SUPPLEMENTARY INFORMATION: Accordingly, Part 200 of 17 CFR Chapter II is amended by adding a new subpart N to read as follows:

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Subpart N—Commission Information Collection Requirements Under the Paperwork Reduction Act: OMB Control Numbers and Expiration Dates

Authority: 44 U.S.C. 3512.

§ 200.800 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

(a) *Purpose.* This subpart collects and displays the control numbers and expiration dates assigned to information collection requirements of the Commission by the Office of Management and Budget pursuant to the Paperwork Reduction Act. The Commission intends that this subpart comply with the requirements of section 3512 of the Paperwork Reduction Act, Pub. L. 96-511, which requires that agencies display a current control number assigned by the Director of the Office of Management and Budget ("OMB") on each agency information collection requirement. In particular, this subpart displays current OMB control numbers and expiration dates of those information collection requirements of the Commission which are rules and regulations and codified in 17 CFR either in full text or incorporated by reference with the approval of the Director of the Office of the Federal Register. Where the information collection requirement also exists as a separate document, as, for example, an information collection requirement which the Commission incorporates by reference in 17 CFR, the Commission, of course, will display on the separate document as well the current OMB control number and the expiration date as required by Section 3512.

(b) *Display.*

Information collection device	17 CFR part or section where identified and described	Current OMB control No.	Expiration date
Regulation S-X	Part 210	3235-0009	12/31/82
Regulation S-K	Part 229	3235-0071	6/30/82
Rule 236	§ 230.236	3235-0095	11/30/83
Rule 242	§ 230.242	3235-0099	11/30/84
Regulation A	§§ 230.251 through 230.264	3235-0096	9/30/82
Regulation B	§§ 230.300 through 230.346	3235-0093	10/31/83
Regulation C	§§ 230.400-.490 [except .463]	3235-0074	6/30/82

Information collection device	17 CFR part or section where identified and described	Current OMB control No.	Expiration date
Rule 604	§ 230.604	3235-0232	12/31/84
Rule 605	§ 230.605	3235-0232	12/31/84
Rule 606	§ 230.606	3235-0232	12/31/84
Rule 607	§ 230.607	3235-0232	12/31/84
Rule 609	§ 230.609	3235-0232	12/31/84
Regulation F	§§ 230.651 through 230.656	3235-0094	10/31/84
Schedules A, B, C, and D	§ 239.10(a)	3235-0093	10/31/83
Form S-1	§ 239.11	3235-0065	6/30/82
Form S-1 proposed	§ 239.11	3235-0065	6/30/82
Form S-2	§ 239.12	3235-0075	6/30/82
Form S-2 proposed	§ 239	3235-0072	6/30/82
Form S-6	§ 239.16	3235-0184	8/31/82
Form S-6 proposed	§ 239	3235-0073	6/30/82
Form S-11	§ 239.18	3235-0067	6/30/82
Form S-12	§ 239.19	3235-0112	11/30/84
Form S-14	§ 239.23	3235-0052	10/31/84
Form S-7	§ 239.26	3235-0055	6/30/82
Form S-16	§ 239.27	3235-0077	6/30/82
Form S-18	§ 239.28	3235-0096	9/30/82
Form S-15	§ 239.29	3235-0053	10/31/84
Form F-1	§ 239.31	3235-0258	12/31/84
Form F-2	§ 239.32	3235-0257	12/31/84
Form F-3	§ 239.33	3235-0256	12/31/84
Form C-3	§ 239.5	3235-0112	11/30/84
Form SR	§ 239.60	3235-0124	11/30/84
Form 1-A	§ 239.90	3235-0096	9/30/82
Form 2-A	§ 239.91	3235-0096	9/30/82
Form 3-A	§ 239.92	3235-0096	9/30/82
Form 4-A	§ 239.93	3235-0096	9/30/82
Form 5-A	§ 239.94	3235-0096	9/30/82
Form 6-A	§ 239.95	3235-0096	9/30/82
Form 7-A	§ 239.96	3235-0096	9/30/82
Form 1-G	§ 239.101	3235-0093	10/31/83
Form 3-G	§ 239.101	3235-0093	10/31/83
Form 144	§ 239.144	3235-0101	11/30/83
Form 146	§ 239.146	3235-0005	8/31/83
Form S-8	§ 239.166	3235-0066	6/30/82
Form 1-E	§ 239.200	3235-0232	12/31/84
Form 2-E	§ 239.201	3235-0233	12/31/84
Form 240	§ 239.240	3235-0100	11/30/84
Form 242	§ 239.242	3235-0099	11/30/84
Form 1-F	§ 239.300	3235-0094	10/31/84
Form 11-K	§ 239.311	3235-0082	10/31/83
Regulation D	§ 240.3b	3235-0076	6/30/82
Rule 6a-1	§ 240.6a-1	3235-0017	8/31/83
Rule 6a-2	§ 240.6a-2	3235-0022	8/31/83
Rule 6a-3	§ 240.6a-3	3235-0021	8/31/83
Rule 10b-7	§ 240.10b-7	3235-0208	10/31/83
Rule 11Ab2-1	§ 240.11Ab2-1	3235-0043	9/30/84
Rule 12a-5	§ 240.12a-5	3235-0079	10/31/84
Regulation 12B	§§ 240.12b-1 through .12b-24; 240.12b-26 through .12b-36	3235-0062	10/31/84
Rule 12dl-3	§ 240.12dl-3	3235-0109	11/30/84
Rule 12d2-1	§ 240.12d2-1	3235-0081	10/31/84
Rule 12d2-2	§ 240.12d2-2	3235-0080	10/31/84
Rule 12f-1	§ 240.12f-1	3235-0128	11/30/84
Rule 12f-2	§ 240.12f-2	3235-0248	11/30/84
Rule 12f-3	§ 240.12f-3	3235-0249	12/31/84
Rule 12g3-2	§ 240.12g3-2	3235-0119	11/30/84
Rule 13a-17	§ 240.13a-17	3235-0191	12/31/84
Regulation 13D/G	§§ 240.13d-1 through 240.13d-7	3235-0145	8/31/82
Schedule 13D	§ 240.13d-101	3235-0145	8/31/82
Schedule 13G	§ 240.13d-102	3235-0145	8/31/82
Schedule 13e-3	§ 240.13e-100	3235-0007	6/30/83
Rule 13e-3	§ 240.13e-3	3235-0007	6/30/83
Rule 13e-4	§ 240.13e-4	3235-0203	8/31/82
Schedule 13e-4	§ 240.13e-101	3235-0203	8/31/82
Regulation 14A	§§ 240.14a-1 through .14a-12	3235-0059	10/31/84
Schedule 14A	§ 240.14a-101	3235-0059	10/31/84
Schedule 14B	§ 240.14a-102	3235-0059	10/31/84
Regulation 14C	§ 240.14c-1	3235-0057	10/31/84
Schedule 14C	§ 240.14c-101	3235-0057	10/31/84
Regulation 14D	§§ 240.14d-1 through .14d-9	3235-0102	11/30/83
Schedule 14D-1	§ 240.14d-100	3235-0102	11/30/83
Schedule 14D-9	§ 240.14d-101	3235-0102	11/30/83
Regulation 14E	§§ 240.14e-1 through .14e-2	3235-0102	11/30/83
Rule 14f-1	§ 240.14f-1	3235-0108	11/30/84
Rule 15a-4(a)	§ 240.15a-4(a)	3235-0010	8/31/83
Rule 15Aa-1	§ 240.15Aa-1	3235-0030	9/30/84
Rule 15Aj-1	§ 240.15Aj-1	3235-0044	9/30/84
Rule 15b1-1	§ 240.15b1-1	3235-0012	8/31/83
Rule 15b1-2	§ 240.15b1-2	3235-0020	8/31/83
Rule 15b1-3	§ 240.15b1-3	3235-0011	8/31/83
Rule 15b1-4	§ 240.15b1-4	3235-0016	8/31/83
Rule 15b2-1	§ 240.15b2-1	3235-0014	8/31/83
Rule 15b3-1	§ 240.15b3-1	3235-0013	8/31/83
Rule 15b6-1(a)	§ 240.15b6-1(a)	3235-0018	8/31/83
Rule 15b8-1	§ 240.15b8-1	3235-0135	11/30/84
Rule 15b9-1 (a) and (b)	§ 240.15b9-1 (a) and (b)	3235-0129	11/30/84
Rule 15b9-1(c)	§ 240.15b9-1(c)	3235-0139	11/30/84
Rule 15b9-2	§ 240.15b9-2	3235-0146	11/30/84
Rule 15b10-6	§ 240.15b10-6	3235-0188	9/30/82
Rule 15b10-8	§ 240.15b10-8	3235-0189	12/31/84
Rule 15b10-9	§ 240.15b10-9	3235-0091	10/31/84

Information collection device	17 CFR part or section where identified and described	Current OMB control No.	Expiration date
Rule 15b10-11	§ 240.15b10-11	3235-0190	12/31/84
Rule 15Ba2-1	§ 240.15Ba2-1	3235-0083	10/31/84
Rule 15Ba2-2	§ 240.15Ba2-2	3235-0090	10/31/84
Rule 15Ba2-4	§ 240.15Ba2-4	3235-0089	10/31/84
Rule 15Ba2-5	§ 240.15Ba2-5	3235-0088	10/31/84
Rule 15Ba2-6	§ 240.1515Ba2-6	3235-0086	10/31/84
Rule 15Bc3-1	§ 240.15Bc3-1	3235-0087	10/31/84
Rule 15c2-5	§ 240.15c2-5	3235-0198	12/31/84
Rule 15c2-11	§ 240.15c2-11	3235-0202	12/31/84
Rule 15c3-1	§ 240.1515c3-1	3235-0200	12/31/84
Rule 15c3-3	§ 240.1515c3-3	3235-0078	10/31/84
Rule 15c1-7	§ 240.1515c1-7	3235-0134	11/30/84
Rule 17a-1	§ 240.17a-1	3235-0208	10/31/83
Rule 17a-2	§ 240.17a-2	3235-0208	10/31/83
Rule 17a-3	§ 240.17a-3	3235-0033	9/30/84
Rule 17a-4	§ 240.17a-4	3235-0197	9/30/82
Rule 17a-5	§ 240.17a-5	3235-0123	11/30/82
Rule 17a-5(c)	§ 240.17a-5(c)	3235-0199	8/31/82
Rule 17a-7	§ 240.17a-7	3235-0131	11/30/84
Rule X17a-8	§ 240.17a-8	3235-0092	12/31/82
Rule 17a-10	§ 240.17a-10	3235-0122	11/30/84
Rule 17a-11	§ 240.17a-11	3235-0085	10/31/84
Rule 17a-12	§ 240.17a-12	3235-0192	12/31/84
Rule 17a-13	§ 240.17a-13	3235-0035	9/30/84
Rule 17a-16	§ 240.17a-16	3235-0038	9/30/84
Rule 17a-17	§ 240.17a-17	3235-0039	9/30/84
Rule 17a-19	§ 240.17a-19	3235-0133	11/30/84
Rule 17a-20	§ 240.17a-20	3235-0207	12/31/84
Rule 17a-22	§ 240.17a-22	3235-0196	12/31/84
Rule 17Ab2-1 (a) and (e)	§ 240.17Ab2-1 (a) and (e)	3235-0195	12/31/84
Rule 17Ac2-1 (a) and (c)	§ 240.17Ac2-1 (a) and (c)	3235-0084	10/31/84
Rule 17Ac3-1(a)	§ 240.17Ac3-1(a)	3235-0151	11/30/84
Rule 17Ad-2 (c), (d), and (h)	§ 240.17Ad-2 (c), (d), and (h)	3235-0130	11/30/84
Rule 17Ad-4 (b) and (c)	§ 240.17Ad-4 (b) and (c)	3235-0138	11/30/84
Rule 17Ad-7	§ 240.17Ad-7	3235-0136	12/31/82
Rule 17f-1(b)	§ 240.17f-1(b)	3235-0032	9/30/82
Rule 17f-1(c)	§ 240.17f-1(c)	3235-0037	9/30/84
Rule 17f-1(g)	§ 240.17f-1(g)	3235-0036	9/30/82
Rule 17f-2(a)	§ 240.17f-2(a)	3235-0034	9/30/84
Rule 17f-2(c)	§ 240.17f-2(c)	3235-0029	9/30/84
Rule 17f-2(d)	§ 240.17f-2(d)	3235-0028	9/30/84
Rule 17f-2(e)	§ 240.17f-2(e)	3235-0031	9/30/84
Rule 19b-4	§ 240.19b-4	3235-0045	9/30/84
Rule 19d-1(b)-(i)	§ 240.19d-1(b)-(i)	3235-0206	10/31/83
Rule 19d-2	§ 240.19d-2	3235-0205	12/31/84
Rule 19d-3(b)-(f)	§ 240.19d-3(b)-(f)	3235-0204	12/31/84
Rule 19h-1 (a), (c)-(e), (g)	§ 240.19h-1(a), (c)-(e), (g)	3235-0206	10/31/83
Rule 24b-1	§ 240.24b-1	3235-0194	12/31/84
Rule 24b-2	§ 240.24b-2	3235-0127	11/30/84
Form 1	§ 249.1	3235-0017	8/31/83
Form 1-A	§ 249.1a	3235-0022	8/31/83
Form D	§ 249.3b	3235-0076	6/30/82
Form 25	§ 249.25	3235-0080	10/31/84
Form 26	§ 249.26	3235-0079	10/31/84
Form 27	§ 249.27	3235-0248	11/30/84
Form 28	§ 249.28	3235-0249	12/31/84
Form TA-1	§ 249b.100	3235-0084	10/31/84
Form TA-W	§ 249b.101	3235-0151	11/30/84
Form 3	§ 249.103	3235-0104	11/30/84
Form 4	§ 249.104	3235-0103	9/30/82
Form CA-1	§ 249b.200	3235-0195	12/31/84
Form 8-A	§ 249.208a	3235-0056	10/31/84
Form 8-B	§ 249.208b	3235-0068	6/30/82
Form 10	§ 249.210	3235-0064	6/30/82
Form 18	§ 249.218	3235-0121	11/30/84
Form 19	§ 249.219	3235-0115	11/30/84
Form 20-F	§ 249.220-F	3235-0143	12/31/82
Form 6-K	§ 249.306	3235-0116	11/30/84
Form 8-K	§ 249.308	3235-0060	10/31/84
Form 10-Q	§ 249.308a	3235-0070	6/30/82
Form 10-K	§ 249.310	3235-0063	10/31/82
Form 10-C	§ 249.310c	3235-0191	12/31/84
Form 11-K	§ 249.311	3235-0082	10/31/83
Form 18-K	§ 249.318	3235-0120	11/30/84
Form 19-K	§ 249.319	3235-0118	11/30/84
Form 12b-25	§ 249.322	3235-0058	10/31/84
Form 12g-4/15d-6	§ 249.323	3235-0167	6/30/84
Form 13F	§ 249.325	3235-0006	11/30/83
Form 2-MD	§ 249.402	3235-0215	12/31/84
Form 8	§ 249.460	3235-0141	10/31/83
Form 8D	§ 249.501	3235-0012	8/31/83
Form 8DW	§ 249.501a	3235-0018	8/31/83
Form U-4	§ 249.502	3235-0019	8/31/83
Form SECO-2F	§ 249.502a	3235-0139	11/30/84
Form SECO-4	§ 249.504a	3235-0146	11/30/84
Form SECO-5	§ 249.505	3235-0129	11/30/84
Form X-17A-5	§ 249.617	3235-0123	11/30/84
Form X-17A-12(1)	§ 249.619	3235-0192	11/30/82
Form X-17A-12(2)	§ 249.620	3235-0193	12/31/84
Form X-17A-16(1)	§ 249.631	3235-0038	9/30/84
Form X-17A-16(2)	§ 249.632	3235-0040	9/30/84
Form X-17A-17	§ 249.633	3235-0039	9/30/84
Form X-17A-19	§ 249.635	3235-0133	11/30/84

Information collection device	17 CFR part or section where identified and described	Current OMB control No.	Expiration date
Form X-17A-1	§ 249.727	3235-0208	10/31/84
Form X-15AA-1	§ 249.801	3235-0030	9/30/84
Form X-15AJ-1	§ 249.802	3235-0044	9/30/84
Form X-15AJ-2	§ 249.803	3235-0044	9/30/84
Form 19b-4	§ 249.819	3235-0045	9/30/84
Form SIP	§ 249.1001	3235-0043	9/30/84
Form MSD	§ 249.1100	3235-0063	10/31/84
Form MSDW	§ 249.1110	3235-0087	10/31/84
Form X-17F-1A	§ 249.1200	3235-0037	9/30/84
Form TA-1	§ 249b.100	3235-0084	10/31/84
Form TA-W	§ 249b.101	3235-0151	11/30/84
Rule 1(a)	§ 250.1(a)	3235-0170	12/31/84
Rule 1(b)	§ 250.1(b)	3235-0170	12/31/84
Rule 1(c)	§ 250.1(c)	3235-0164	11/30/84
Rule 2	§ 250.2	3235-0161	11/30/84
Rule 3	§ 250.3	3235-0160	11/30/84
Rule 7	§ 250.7	3235-0165	11/30/84
Rule 7(d)	§ 250.7(d)	3235-0165	11/30/84
Rule 20(b)	§ 250.20(b)	3235-0125	11/30/84
Rule 20(d)	§ 250.20(d)	3235-0163	11/30/84
Rule 24	§ 250.24	3235-0126	11/30/84
Rule 26	§ 250.26	3235-0183	12/31/84
Rule 29a	§ 250.29a	3235-0149	11/30/84
Rule 29b	§ 250.29b	3235-0149	11/30/84
Rule 42	§ 250.42	3235-0171	12/31/84
Rule 44	§ 250.44	3235-0147	11/30/84
Rule 45	§ 250.45	3235-0154	11/30/84
Rules 47(b) and 20(d)	§§ 250.47(b), 250.20(d)	3235-0163	11/30/84
Rule 48(b)	§ 250.48(b)	3235-0156	12/31/84
Rule 50	§ 250.50	3235-0126	11/30/84
Rule 62	§ 250.62	3235-0152	11/30/84
Rule 71(a)	§ 250.71(a)	3235-0173	12/31/84
Rule 72	§ 250.72	3235-0149	11/30/84
Rule 83	§ 250.83	3235-0181	12/31/84
Rule 87	§ 250.87	3235-0182	12/31/84
Rule 88	§ 250.88	3235-0182	12/31/84
Rule 93	§ 250.93	3235-0153	11/30/84
Rule 94	§ 250.94	3235-0153	11/30/84
Rule 95	§ 250.95	3235-0162	11/30/84
Rules 100(a), 20(c), and 23	§§ 250.100(a), 250.20(c), 250.23	3235-0125	11/30/84
	Part 256	3235-0153	11/30/84
	Part 256(a)	3235-0153	11/30/84
Form U5A	§ 259.5a	3235-0170	12/31/84
Form U5B	§ 259.5b	3235-0170	12/31/84
Form U5S	§ 259.5s	3235-0164	11/30/84
Form U-1	§ 259.101	3235-0125	11/30/84
Form U-13-1	§ 259.113	3235-0182	12/31/84
Form U-6B-2	§ 259.206	3235-0163	11/30/84
Form U-12(I)A	§ 259.212(a)	3235-0173	12/31/84
Form U-12(I)B	§ 259.212(b)	3235-0173	12/31/84
Form U-13E-1	§ 259.213	3235-0162	11/30/84
Form U-R-1	§ 259.221	3235-0152	11/30/84
Form U-13-60	§ 259.313	3235-0153	11/30/84
Form U-3A-2	§ 259.402	3235-0161	11/30/84
Form U-3A3-1	§ 259.403	3235-0160	11/30/84
Form U-7D	§ 259.404	3235-0165	11/30/84
Form U-A	§ 259.501	3235-0125	11/30/84
Rules 7a-15 through 7a-37	§§ 260.7a-15 through 260.7a-37	3235-0132	11/30/84
Form T-1	§ 269.1	3235-0110	11/30/84
Form T-2	§ 269.2	3235-0111	11/30/84
Form T-3	§ 269.3	3235-0105	11/30/84
Form T-4	§ 269.4	3235-0107	11/30/84
Rule 6c-6(T)	§ 270.6c-6(T)	3235-0245	10/31/83
Rule 6e	§ 270.6e-2(b)(9)	3235-0177	12/31/84
Rule 7d	§ 270.7d-(b)(8)(i), (iii), and (viii)	3235-0168	6/30/83
Rule 8b-11	§ 270.8b-11	3235-0176	12/31/84
Rule 8b-16	§ 270.8b-16	3235-0176	12/31/84
Rule 8b-20	§ 270.8b-20	3235-0176	12/31/84
Rule 8b-21(b)	§ 270.8b-21(b)	3235-0176	12/31/84
Rule 8b-25	§ 270.8b-25	3235-0176	12/31/84
Rule 8b-32(b)	§ 270.8b-32(b)	3235-0176	12/31/84
Rule 10f-3	§ 270.10f-3	3235-0226	10/31/83
Rule 12b-1	§ 270.12b-1	3235-0212	10/31/83
Rule 17a-7(f)	§ 270.17a-7(f)	3235-0214	12/31/84
Rule 17a-8	§ 270.17a-8	3235-0235	12/31/84
Rule 17e-1	§ 270.17e-1	3235-0217	10/31/83
Rule 17f-1	§ 270.17f-1	3235-0222	12/31/84
Rule 17f-2	§ 270.17f-2	3235-0223	10/31/82
Rule 17f-4	§ 270.17f-4	3235-0225	12/31/84
Rule 17g-1(g)	§ 270.17g-1(g)	3235-0213	12/31/84
Rule 17j-1	§ 270.17j-1	3235-0224	10/31/83
Rule 18f-1	§ 270.18f-1	3235-0211	12/31/84
Rule 19a-1	§ 270.19a-1	3235-0216	12/31/84
Rule 20a-1(b)	§ 270.20a-1(b)	3235-0158	9/30/82
Rule 20a-2	§ 270.20a-2	3235-0158	9/30/82
Rule 20a-3	§ 270.20a-3	3235-0158	9/30/82
Rule 22d-4	§ 270.22d-4	3235-0234	12/31/84
Rule 24f-1	§ 270.24f-1	3235-0155	12/31/84
Rule 24f-2	§ 270.24f-2	3235-0159	12/31/84
Rule 30a-1	§ 270.30a-1	3235-0219	12/31/84
Rule 30a-3	§ 270.30a-3	3235-0209	12/31/84
Rule 30b1-2	§ 270.30b1-2	3235-0218	12/31/84
Rule 30b2-1	§ 270.30b2-1	3235-0220	12/31/84

Information collection device	17 CFR part or section where identified and described	Current OMB control No.	Expiration date
Rule 30d-1	§ 270.30d-1	3235-0025	9/30/84
Rule 31a-1	§ 270.31a-1	3235-0178	(1)
Rule 31a-2	§ 270.31a-2	3235-0179	8/31/82
Form N-5	§ 274.5	3235-0169	5/31/83
Form N-8A	§ 274.10	3235-0175	12/31/84
Form N-1	§ 274.11	3235-0027	9/30/84
Form N-2	§ 274.11a-1	3235-0026	9/30/84
Form N-8B-2	§ 274.12	3235-0186	8/31/82
Form N-8B-3	§ 274.13	3235-0166	11/30/84
Form N-8B-4	§ 274.14	3235-0247	12/31/84
Form N-6F	§ 274.15	3235-0238	12/31/84
Form N-18F-1	§ 274.51	3235-0211	12/31/84
Form N-1R	§ 274.101	3235-0227	10/31/82
Form N-30A-2	§ 274.102	3235-0051	10/31/84
Form N-30A-3	§ 274.103	3235-0051	10/31/84
Form N-5R	§ 274.105	3235-0210	12/31/84
Form N-1Q	§ 274.106	3235-0246	10/31/82
Form N-27D-1	§ 274.127d-1	3235-0254	12/31/84
Form N-27D-2	§ 274.127d-2	3235-0251	12/31/84
Form N-27E-1	§ 274.127e-1	3235-0255	10/31/82
Form N-27F-1	§ 274.127f-1	3235-0253	9/30/82
Form N-17D-1	§ 274.200	3235-0229	12/31/84
Form N-23C-1	§ 274.201	3235-0230	12/31/84
Form N-8F	§ 274.218	3235-0157	12/31/84
Form N-6EI-1	§ 274.301	3235-0177	12/31/84
Rule 0-2	§ 275.0-2	3235-0240	12/31/84
Form N-54A	§ 275.53	3235-0237	12/31/84
Form N-54C	§ 275.54	3235-0236	12/31/84
Rule 203.1	§ 275.203.1	3235-0049	12/31/84
Rule 203.2	§ 275.203-2	3235-0042	9/30/84
Rule 204.1	§ 275.204-1	3235-0048	9/30/84
Rule 204.2	§ 275.204.2	3235-0244	9/30/84
Rule 204.3	§ 275.204.3	3235-0047	(1)
Rule 206(3)-2	§ 275.206(3)-2	3235-0043	9/30/84
Rule 206(4)-2	§ 275.206(4)-2	3235-0241	1/31/83
Rule 206(4)-3	§ 275.206(4)-3	3235-0042	1/31/83
Form ADV	§ 279.1	3235-0049	1/31/83
Form ADV-W	§ 279.2	3235-0042	9/30/84
Form ADV-S	§ 279.3	3235-0046	9/30/84
Form 4-R	§ 279.4	3235-0240	12/31/84
Form 5-R	§ 279.5	3235-0240	12/31/84
Form 6-R	§ 279.6	3235-0240	12/31/84
Form 7-R	§ 279.7	3235-0240	12/31/84

[1] Assignment of expiration date pending.

The Commission finds that this amendment, concerning the display of the control numbers and expiration dates assigned to information collection requirements of the Commission by the Office of Management and Budget pursuant to the Paperwork Reduction Act, pertains only to procedural matters; it is therefore not subject to the provisions of the Administrative Procedure Act, 5 U.S.C. 551 *et seq.*, requiring advance notice and opportunity for comment. Accordingly, it is effective December 30, 1981.

By the Commission.

Dated: December 21, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-37083 Filed 12-29-81; 8:45 am]

BILLING CODE 8010-01-M

RAILROAD RETIREMENT BOARD

20 CFR Parts 220, 266, and 345

Listing of OMB Numbers in Recordkeeping Requirements

AGENCY: Railroad Retirement Board.

ACTION: Technical amendments.

SUMMARY: Pursuant to its authority under the Paperwork Reduction Act of 1980, the Office of Management and Budget has directed Federal agencies to publish a listing of existing requirements for recordkeeping which are imposed on the public. In accordance with the directive, the Railroad Retirement Board hereby publishes its list of existing recordkeeping requirements and amends its regulations to include the OMB numbers.

EFFECTIVE DATE: December 30, 1981.

FOR FURTHER INFORMATION CONTACT: Pauline Lohens, Office of Information Management, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, Telephone 312-751-4692.

SUPPLEMENTARY INFORMATION: Accordingly, for the reasons set out in the preamble, the Board amends 20 CFR Chapter II as set forth below.

1. Employers Under the Railroad Unemployment Insurance Act.

Employers under the RUIA are required to keep such records as are necessary to establish compensation paid to employees quarterly.

PART 345—EMPLOYERS' CONTRIBUTIONS AND CONTRIBUTION REPORTS

§ 345.24 [Amended]

In § 345.24, paragraph (b) is amended by adding in parentheses following the text OMB Number 3220-0012.

2. Employers Subject to the Railroad Retirement Act.

Employers subject to the RRA are required to keep original records necessary to establish service and compensation for a number of years prior to 1937 which when added to the years elapsed after 1936 total at least 50.

PART 220—DEFINITION AND CREDITABILITY OF SERVICE

§ 220.4 [Amended]

In § 220.4, paragraph (f) is amended by adding in parentheses following the text OMB Number 3220-0003.

3. Representative Payees Receiving Benefits for Annuitants.

To keep records of railroad retirement checks received and the disposition of the proceeds in the beneficiary's behalf.

PART 266—INCOMPETENCE

§ 266.12 [Amended]

Section 266.12 is amended by adding in parentheses following the text OMB Number 3220–0052.

Dated: December 18, 1981.

By authority of the Board.

James T. Brown

Chief Executive Officer

[FR Doc. 81–37045 Filed 12–29–81; 8:45 am]

BILLING CODE 7905–01–M

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

29 CFR Part 2200

Simplified Proceedings

AGENCY: Occupational Safety and Health Review Commission.

ACTION: Interim rules for simplified proceedings adopted as final rules.

SUMMARY: On December 5, 1979, the Occupational Safety and Health Review Commission (Review Commission) added a new subpart to its rules of procedure, Subpart M, entitled "Simplified Proceedings." 44 FR 70106–70113 (codified at 29 CFR 2200.200–2200.211). This subpart, which became effective on March 1, 1980, has been applied in Review Commission proceedings on an experimental basis since that time, and is scheduled to expire on December 31, 1981. The Review Commission requested comments on the rules for simplified proceedings to determine whether these rules should be adopted as final rules. 46 FR 51933–51935 (Oct. 23, 1981). Based upon the comments received, as well as its experience with simplified proceedings, both of which have been largely positive, the Review Commission has decided to adopt the rules for simplified proceedings, as final rules, effective January 1, 1982.

The Review Commission is also actively considering amending the rules for simplified proceedings in light of the comments which have been received. However, in order to assure that permanent rules on simplified proceedings are in place before the current interim rules expire, the Review Commission now is adopting its interim simplified proceedings rules as permanent rules. Any future amendments to the rules will be published in the **Federal Register.**

DATES: The rules for simplified proceedings will become effective as final rules on January 1, 1982.

FOR FURTHER INFORMATION CONTACT: Earl R. Ohman, Jr., Acting General Counsel, 1825 K Street, N.W., Washington, D.C. 20006; telephone (202) 634–4015.

Under the authority of section 12(g) of the Occupational Safety and Health Act (29 U.S.C. 661(f)) and for the reasons set out in the preamble, the Occupational Safety and Health Review Commission adopts the rules for simplified proceedings, contained in Subpart M, 29 CFR Part 2200, as final rules.

Signed this 22d day of December 1981.

Robert A. Rowland,

Chairman.

Timothy F. Cleary,

Commissioner.

Bertram Robert Cottine,

Commissioner.

PART 2200—RULES OF PROCEDURE

* * * * *

Subpart M—Simplified Proceedings

Sec.

2200.200 Purpose.
2200.201 Application.
2200.202 Eligibilty for simplified proceedings.
2200.203 Commencing simplified proceedings.
2200.204 Filing of pleadings.
2200.205 Discussion among parties.
2200.206 Conference/Hearing.
2200.207 Reporter present; transcripts.
2200.208 Decision of the Judge.
2200.209 Discovery.
2200.210 Interlocutory appeals not permitted.
2200.211 Applicability of Subparts A through G.

Authority: Sec. 12(g), Occupational Safety and Health Act (29 U.S.C. 661(f)).

* * * * *

Subpart M—Simplified Proceedings

§ 2200.200 Purpose.

(a) The purpose of this subpart is to provide simplified procedures for resolving contests under the Occupational Safety and Health Act of 1970, so that parties before the Commission may save time and expense while preserving fundamental procedural fairness. The rules shall be construed and applied to accomplish these ends.

(b) Procedures under this subpart are simplified in a number of ways. The major differences between these procedures and those provided in subparts A through G of the Commission's rules of procedure are the following: (1) Pleadings generally are not permitted or required. Early discussions among the parties will inform the parties of the legal and factual matters in dispute and narrow the issues to the extent possible. (2) Discovery is generally not permitted. (3) The Federal Rules of Evidence do not apply. (4) Interlocutory appeals are not permitted.

§ 2200.201 Application.

The rules in this subpart shall govern proceedings before an Administrative Law Judge when (a) the case is eligible for simplified proceedings under § 2200.202, (b) any party requests simplified proceedings, and (c) no party files an objection to the request.

§ 2200.202 Eligibility for simplified proceedings.

A case is eligible for simplified proceedings unless it concerns an alleged violation of section 5(a)(1) of the Act (29 U.S.C. 654(a)(1)) or an alleged failure to comply with a standard listed in table A.

Table A

All standards listed are found in title 29 of the Code of Federal Regulations.

§ 1910.94	§ 1910.96
§ 1910.95	§ 1910.97

Sections 1910.1000 to 1910.1045, and any occupational health standard that may be added to subpart Z of part 1910.

§ 1926.52	§ 1926.55
§ 1926.53	§ 1926.57
§ 1926.54	§ 1926.800(c)

§ 2200.203 Commencing simplified proceedings.

(a) *Requesting simplified proceedings.*—(1) *Who may request.* Any party may request simplified proceedings.

(2) *When to request.* After the Commission receives an employer's or employees' notice of contest or petition for modification of abatement, the Executive Secretary shall issue a notice indicating that the case has been docketed. A request for simplified proceedings, if any, shall be filed within 10 days after the notice of docketing is received, unless the notice of docketing states otherwise.

(3) *How to request.* A simple statement is all that is necessary. For example, "I request simplified proceedings" will suffice. The request shall be filed with the Executive Secretary and served in the manner prescribed for notices of contest in § 2200.7.

(4) *Effect of the request.* For those cases eligible under § 2200.202,

simplified proceedings are in effect when any party requests simplified proceedings and no party files a timely objection to the request.

(b) *Objecting to simplified proceedings.* (1) *Who may object.* Any party may object to a request for simplified proceedings.

(2) *When to object.* An objection shall be filed within 15 days after the request for simplified proceedings is served.

(3) *How to object.* A simple statement is all that is necessary. For example, "I object to simplified proceedings" will suffice. An objection shall be filed with the Executive Secretary and served in the manner prescribed for notices of contest in § 2200.7.

(4) *Effect of the objections.* The filing of a timely objection shall preclude the institution of simplified proceedings.

(c) *Notice.* (1) When the period for objecting to simplified proceedings expires and no objection has been filed, the Commission shall notify all parties that simplified proceedings are in effect.

(2) When a party files a timely objection to a request for simplified proceedings, the Commission shall notify all parties that the case shall continue under conventional procedures (Subparts A through G).

§ 2200.204 Filing of pleadings.

(a) *Complaint and answer.* There shall be no complaint or answer in simplified proceedings. If the Secretary has filed a complaint under § 2200.33, a response to an employee contest under § 2200.35, or a response to a petition under § 2200.34, the complaint or response shall not be included in the record. No response to these documents shall be required.

(b) *Motions.* A primary purpose of simplified proceedings is to eliminate, as much as possible, motions and similar documents. A motion will not be viewed favorably if the subject of the motion has not been first discussed among the parties prior to the conference/hearing.

§ 2200.205 Discussion among parties.

Within a reasonable time before the conference/hearing, the parties shall meet, or confer by telephone, and discuss the following: Settlement of the case; the narrowing of issues; an agreed statement of issues and facts; defenses; witnesses and exhibits; motions; and any other pertinent matter.

§ 2200.206 Conference/hearing.

(a) The Judge shall schedule and preside over a conference/hearing, which shall be divided into two segments: a conference and a hearing.

(b) *Conference.* At the beginning of the conference, the Judge shall enter into the record all agreements reached by the parties as well as defenses raised during the discussion set forth in § 2200.205. The parties and the Judge then shall attempt to resolve or narrow the remaining issues. At the conclusion of the conference, the Judge shall enter into the record any further agreements reached by the parties.

(c) *Hearing.* The Judge shall hold a hearing on any issue that remains in dispute at the conclusion of the conference. The hearing shall be in accordance with 5 U.S.C. 554.

(1) *Evidence.* Oral or documentary evidence shall be received, but the Judge may exclude irrelevant or unduly repetitious evidence. Testimony shall be given under oath. The Federal Rules of Evidence shall not apply.

(2) *Oral and written argument.* Each party may present oral argument at the close of the hearing. Parties wishing to present written argument shall notify the Judge at the conference/hearing so that the Judge may set a reasonable period for the prompt filing of written argument.

§ 2200.207 Reporter present; transcripts.

A reporter shall be present at the conference/hearing. An official verbatim transcript of the hearing shall be prepared and filed with the Judge. Parties may purchase copies of the transcript from the reporter.

§ 2200.208 Decision of the judge.

(a) The Judge shall issue a written decision in accordance with § 2200.90.

(b) After the issuance of the Judge's decision, the case shall proceed in the conventional manner (Subparts A through G).

§ 2200.209 Discovery.

Discovery, including requests for admissions, shall not be allowed except by order of the Judge.

§ 2200.210 Interlocutory appeals not permitted.

Appeals to the Commission of a ruling made by a Judge which is not the Judge's final disposition of the case are not permitted.

§ 2200.211 Applicability of subparts A through G.

Sections 2200.6, 2200.33, 2200.34(d)(4), 2200.35, 2200.36, 2200.38, and 2200.75 shall not apply to simplified proceedings. All other rules contained in subparts A through G of the Commission's rules of procedure shall apply when consistent with the rules in this subpart governing simplified proceedings.

[FR Doc. 81-37150 Filed 12-29-81; 8:45 am]
BILLING CODE 7600-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-1-FRL 2001-8]

Approval and Promulgation of Implementations Plans; Bradford Dyeing Association, Westerly, Rhode Island

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA is approving a revision to the Rhode Island State Implementation Plan which was submitted on January 30, 1981. This revision temporarily varies the provisions of Rhode Island Air Pollution Regulation 8, "Limitation of Sulfur in Fuels" to allow Bradford Dyeing Association (Bradford Dye) to increase its sulfur-in-fuel content from 1.0% to 2.2%. The effect of this revision is to allow Bradford Dye to burn less expensive fuel oil.

EFFECTIVE DATE: This action is effective March 1, 1982.

ADDRESSES: Copies of the Rhode Island submittal and EPA's evaluation are available for public inspection during regular business hours at the Environmental Protection Agency, Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460; the Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, DC and Rhode Island Division of Air Resources, Department of Environmental Management, Cannon Building, Room 204, 75 Davis Street, Providence, Rhode Island 02908.

FOR FURTHER INFORMATION CONTACT: Margaret McDonough, Air Branch, EPA Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203, (617) 223-5609.

SUPPLEMENTARY INFORMATION: On January 30, 1981 the Director of the Rhode Island Division of Air Resources (the Rhode Island Division) submitted a request for EPA approval of a revision to Rhode Island Air Pollution Regulation 8 "Limitation of Sulfur in Fuels" which would allow Bradford Dye to burn higher sulfur content fuel oil temporarily. Bradford Dye, rated at 200 million Btu per hour heat input capacity, is located in Westerly, Rhode Island. Regulation 8 limits the sulfur-in-fuel content of all sources in Rhode Island to 0.55 pounds of sulfur per million Btu

heat release potential (approximately equivalent to 1.0% sulfur content oil by weight). This revision to the Rhode Island State Implementation Plan (SIP) allows Bradford Dye to burn fuel oil with a maximum sulfur content of 1.21 pounds per million Btu heat release potential (approximately equivalent to 2.2% sulfur content oil by weight) at a reduced firing rate for a period of one year from the effective date of this rulemaking.

Technical support for the present revision includes an evaluation of compliance with National Ambient Air Quality Standards (NAAQS) for sulfur dioxide (SO_2) using mathematical modeling based on a reduced maximum firing rate and monitoring data. NAAQS are maximum ambient pollutant concentrations which are set to protect public health and welfare. The NAAQS for SO_2 are 80 $\mu g/m^3$ (annual average); 365 $\mu g/m^3$ (24 hr. average); and 1300 $\mu g/m^3$ (3-hr. average). The EPA-approved CRSTER model was used to predict the impact that the emissions from Bradford Dye will have on air quality. Emissions from the only major source within 20 km of Bradford Dye were included in the modeling analysis. Existing background concentrations of SO_2 were conservatively estimated from a 1974 modeling study performed to predict ambient SO_2 concentrations if all sources in Rhode Island were burning 2.2% sulfur fuel and from more recent (1979) monitoring data from an area similar to Westerly.

This technical analysis demonstrates that the burning of fuel oil having a sulfur content of 1.21 pounds per million Btu heat release potential (approximately equivalent to 2.2% sulfur content) at Bradford Dye will not cause or contribute to violations of air quality standards.

Bradford Dye is required to meet Prevention of Significant Deterioration (PSD) increments with respect to SO_2 under EPA's PSD regulations promulgated on August 7, 1980 (45 FR 52676). The PSD increments are allowable incremental increases in ambient pollutant concentrations which are set to limit air quality degradation over baseline levels. The PSD increments for SO_2 are 20 $\mu g/m^3$ (annual average); 91 $\mu g/m^3$ (24-hr. average); and 512 $\mu g/m^3$ (3-hr. average). Increases in sulfur dioxide emissions resulting from revisions to sulfur-in fuel limits must show compliance with PSD increments if the increases occur in or impact on an area in which a baseline date has been established. A baseline date is the date after August 7, 1977 on which the first PSD permit application in that area was filed with EPA by a source subject to the PSD regulations as amended on August 7, 1980. The baseline date is set in the area designated attainment under Section 107 of the Clean Air Act in which the source subject to the PSD regulations is located and all Section 107 designated attainment areas on which the source has an annual impact of 1 $\mu g/m^3$ SO_2. A baseline date with respect to SO_2 has been set in the entire State of Rhode Island which is a Section 107 designated attainment area; however, no increment has previously been consumed in the Westerly area. The emissions from Bradford Dye are conservatively predicted to consume less than the available SO_2 increment. A baseline date has not been set for any other pollutant.

Although 2.2% fuel oil burning will cause an increase in particulate emissions, the current particulate emission limitation (0.10 pound per million Btu) will not be violated.

Since this SIP revision affects only one source and the increase in SO_2 emissions is small and will not cause or contribute to any violation of the NAAQS or a PSD increment, this rulemaking is considered noncontroversial. Based on past experience with similar SIP revisions in Region I, no comments are expected. Therefore, this SIP revision is being published as a final rulemaking without going through proposed rulemaking. EPA believes that publishing a proposed rulemaking will be unnecessary.

However, if notice is received on or before January 29, 1982, that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective March 1, 1982.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. 46 FR 8709 (January 27, 1981). The attached rule constitutes a SIP revision approval under the January 27 certification. This action approves only state actions. It imposes no new requirements. In addition, this action only applies to one facility.

Under Section 307(b)(1) of the Clean Air Act judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought to enforce these requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirements of a Regulatory Impact Analysis. This regulation is not Major since it applies to only one source.

After evaluation of the State's submittal, the Administrator has determined that the Rhode Island revision meets the requirements of the Clean Air Act and 40 CFR Part 51. Accordingly, this revision is approved as a revision to the Rhode Island State Implementation Plan.

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

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

Dated: December 24, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart 00—Rhode Island

1. Section 52.2070, paragraph (c) is amended by adding subparagraph (14) as follows:

§ 52.2070 Identification of plan.

* * * * *

(c) * * *

(14) A revision to Regulation 8, "Limitation of Sulfur in Fuels," submitted on January 30, 1981, by the Director of the Rhode Island Division of Air Resources allowing Bradford Dyeing Association, Westerly, to burn higher sulfur fuel oil, temporarily.

[FR Doc. 81-37172 Filed 12-29-81; 8:45 am]

BILLING CODE 6560-38-M

---

40 CFR Part 52

[A-4-FRL-1997-7]

Approval and Promulgation of Implementation Plans; Alabama: 18-Month Extension

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA announces today that it is granting an 18-month extension of the deadline for submittal of implementation plan revisions providing for attainment and maintenance of the secondary national ambient air quality standard for particulate matter in Etowah County (Gadsden), as required under Part D of Title I of the Clean Air Act. The State has made this request on the basis that recent monitoring and modeling data must undergo analysis before a control strategy can be developed. This action will be effective March 1, 1982, unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

DATE: This action is effective March 1, 1982.

ADDRESSES: The material submitted by the state in support of the extension may be examined during normal business hours at the following locations:

Public Information Reference Unit, EPA, 401 M Street, SW., Washington, D.C. 20460

Air Programs Branch, EPA, Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365

Library Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20005

Division of Air Pollution Control, Alabama Air Pollution Control Commission, 645 S. McDonough Street, Montgomery, Alabama 36130

Notice of intent to make adverse comments should be directed to the EPA Region IV Air Programs Branch at the address given.

FOR FURTHER INFORMATION CONTACT: Archie Lee of the Region IV, Air Programs Branch at 404/881-3286 (FTS 257-3286).

SUPPLEMENTARY INFORMATION: On June 10, 1980 (45 FR 39255), EPA designated a portion of Gadsden, Alabama (Etowah County) nonattainment for the primary and secondary particulate standards. Implementation plan revisions for the area were due to be submitted by June 10, 1981. On May 19, 1981, the Alabama Air Pollution Control Commission requested an extension until December 10, 1982, for submittal of the revisions for the Etowah County secondary nonattainment area. The request was based upon recently acquired microscopy and modeling data which, upon analysis, may have a direct impact on the control strategies currently under development to correct this problem. EPA agrees that the use of additional time for plan development is prudent and necessary and therefore grants Alabama's request for an extension. A plan to attain the secondary ambient standard for total suspended particulates in Etowah County is to be submitted by December 10, 1982.

Since EPA views the granting of the extension request a routine action unlikely to cause concern to the public, this action is taken without prior proposal. The public should be advised that this action will be effective March 1, 1982. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under Section 307(b)(1) of the Clean Air Act, judicial review of EPA's approval of this request for an 18-month extension is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit on or before March 1, 1982.

Pursuant to the provisions of 5 U.S.C. section 605(b), I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. This action only extends the deadline for submittal of implementation plan revisions. Any requirements stemming from the eventual submittal will be dealt with in another notice.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it imposes no requirements on sources or on the public.

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

(Sec. 110, Clean Air Act (42 U.S.C. 7410))

Dated: December 24, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart B—Alabama

1. In § 52.50, paragraph (c) is amended by adding subparagraph (34) as follows:

§ 52.50 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified. * * *

(34) Request for 18-month extension of the deadline for submitting a plan to attain and maintain the secondary ambient standard for particulate matter in the Etowah County nonattainment area, submitted on May 19, 1981, by the Alabama Air Pollution Control Commission.

2. Section 52.52 is amended by redesignating the existing text as paragraph (a) and by adding a new paragraph (b) as follows:

§ 52.52 Extensions.

* * * * *

(b) The Administrator hereby extends for 18 months (until December 10, 1982) the deadline for submittal of a plan to attain and maintain the secondary ambient standard for particulate matter in the Etowah County nonattainment area.

[FR Doc. 81-37187 Filed 12-29-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 180

[PP 6F1803/R369; PH-FRL-2014-2]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for the combined residues of the insecticide carbofuran and its metabolites in or on certain raw agricultural commodities. This regulation to establish the maximum permissible level for the combined residues of carbofuran and its metabolites in or on the commodities was requested by FMC Corp.

EFFECTIVE DATE: Effective on December 30, 1981.

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: Jay Ellenberger, Product Manager (PM) 12, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 202, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-2386).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the Federal Register of August 5, 1976 (41 FR 32777) which announced that FMC Corp., 2000 Market St., Philadelphia, PA 19103, submitted a pesticide petition (PP 6F1803) proposing that 40 CFR 180.254 be amended by the establishment of tolerances for the combined residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl-7-benzofuranyl-*N*-methylcarbamate), its carbamate metabolite 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl-*N*-methylcarbamate, and the phenolic metabolites 2,3-dihydro-2,2-dimethyl-7-benzofuranol 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranol, and 2,3-dihydro-2,2-dimethyl-3,7-benzofurandiol in or on the raw agricultural commodities straw of barley, oats, rye, and wheat at 5 parts per million (ppm), of which not more than 1 ppm is carbamates, and in or on the grain of barley, oats, rye, and wheat at 0.2 ppm, of which not more than 0.1 ppm is carbamates. The petition was subsequently amended deleting the requested tolerances for rye grain and straw.

There were no comments received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the tolerances included a 2-year chronic feeding/oncogenicity study in the rat and the mouse with a no-observable-effect level (NOEL) of 20 ppm for cholinesterase inhibition and a systemic NOEL for 20 ppm and 125 ppm, respectively; a 3-generation rat reproduction study with a NOEL of 20 ppm; two rat teratology studies which were negative up to 160 ppm and 1.2 milligrams (mg)/kilogram (kg) of body weight (bw)/day and had a NOEL for fetotoxicity of 20 ppm and 1.2 mg/kg bw/day respectively; a rabbit teratology study which was negative for terata and fetotoxicity at 2.0 mg/kg bw/day; and mutagenicity testing which showed carbofuran not to be mutagenic. Based on the 2-year rat chronic feeding/oncogenicity study with a systemic effects and cholinesterase-inhibition NOEL of 20 ppm and using a 200 fold safety factor, the acceptable daily intake (ADI) for man is 0.005 mg/kg bw/day.

Desirable data that are lacking from the petition is a 6-month (or longer) dog feeding study. In a letter of August 7, 1981, the petitioner agreed to conduct the study and to voluntarily remove barley, oats, and wheat from the label should the results of the study be found to exceed the risk criteria for adverse effects. The study is expected to be submitted to the Agency by December 1982. The metabolism of carbofuran is adequately understood, and an adequate analytical method (gas chromatography using a nitrogen specific microcoulometric detector) is available for enforcement purposes. No actions are currently pending against continued registration of carbofuran, nor are there any other relevant considerations involved in establishing the tolerances. The existing meat and milk tolerances are adequate to cover any residues resulting from the proposed use.

The pesticide is considered useful for the purpose for which the tolerances are sought, and it is concluded that the tolerances for the combined residues of carbofuran and the metabolites in or on the raw agricultural commodities 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 January 29, 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.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this rule from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

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 significant economic impact on a substantial number of small entities. A certification statement of this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

Effective on December 30, 1981.

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

Dated: December 10, 1981.

Robert V. Brown,

Acting Director, Office of Pesticide Programs.

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

Therefore, 40 CFR 180.254 is amended by adding and alphabetically inserting the commodities straw of barley, oats, and wheat and the grain of barley, oats, and wheat to read as follows:

§ 180.254 Carbofuran; tolerances for residues.

* * * * *

Commodity	Parts per million (ppm)
* * * * *	
Barley, grain (of which not more than 0.1 ppm is carbamates)	0.2
Barley, straw (of which not more than 1.0 ppm is carbamates)	5.0
* * * * *	
Oats, grain (of which not more than 0.1 ppm is carbamates)	0.2
Oats, straw (of which not more than 1.0 ppm is carbamates)	5.0
* * * * *	
Wheat, grain (of which not more than 0.1 ppm is carbamates)	0.2
Wheat, straw (of which not more than 1.0 ppm is carbamates)	5.0

[FR Doc. 81-36792 Filed 12-29-81; 8:45 am]

BILLING CODE 6560-32-M

40 CFR Part 180

[PP 5F1530/R368; PH-FRL-2014-3]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for the combined residues of the insecticide carbofuran and its metabolites in or on the raw agricultural commodity cottonseed. This regulation to establish the maximum permissible level for carbofuran and its metabolites in or on cottonseed was requested by FMC Corp.

EFFECTIVE DATE: Effective on December 30, 1981.

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:
Jay Ellenberger, Product Manager (PM) 12, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 202, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7238).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of September 3, 1974 (39 FR 31945) which announced that FMC Corp., 2000 Market St., Philadelphia, PA 19103, submitted a pesticide petition (pp 5F1530) proposing that 40 CFR 180.254 be amended by the establishment of a tolerance for the combined residues of carbofuran (2,3-dihydro-2,2-dimethyl-7-benzofuranyl-*N*-methylcarbamate), its carbamate metabolite 2,3-dihydro-2,2-dimethyl-3-hydroxoy-7-benzofuranyl-*N*-methylcarbamate, and the phenolic metabolites 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranol, 2,3-dihydro-2,2-dimethyl-7-benzofuranol,2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranol and 2,3-dihydro-2,2-dimethyl-3,7-benzofurandiol in or on the raw agricultural commodity cottonseed at 1.0 part per million (ppm) of which not more than 0.2 ppm is carbamates.

There were no comments received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the tolerance included a 2-year chronic feeding/oncogenicity study in the rat and the mouse with a no-observable-effect level (NOEL) of 20 ppm for cholinesterase-inhibition and a systemic NOEL of 20 ppm and 125 ppm, respectively; a 3-generation rat reproduction study with a NOEL of 20 ppm; two rat teratology studies which were negative up to 160 ppm and 1.2 milligrams (mg)/kilogram (kg) of body weight (bw)/day and had a NOEL for fetotoxicity of 20 ppm and 1.2 mg/kg bw/day respectively; a rabbit teratology study which was negative for terata and fetotoxicity at 2.0 mg/kg bw/day; and mutagenicity testing which showed carbofuran not to be mutagenic. Based on the 2-year chronic rat feeding/oncogenicity study with a NOEL of 20 ppm for systemic effects and cholinesterase-inhibition, and using a 200-fold safety factor, the acceptable daily intake (ADI) for man is 0.005 mg/kg bw/day. The theoretical maximum residue contribution (TMRC) in the human diet from previously established tolerances at levels ranging from 0.05 ppm to 2.0 ppm and the proposed tolerance does not exceed the ADI.

Desirable data that are lacking from the petition is a 6-month (or longer) dog feeding study. In a letter of August 7, 1981, the petitioner agreed to conduct the study and to voluntarily remove cottonseed from the label should the results of the study be found to exceed the risk criteria for adverse effects. The study is expected to be submitted to the Agency by December 1982. The metabolism of carbofuran is adequately understood, and an adequate analytical method (gas chromatography using a nitrogen specific microcoulometric detector) is available for enforcement purposes. No actions are currently pending against the continued registration of carbofuran, nor are there any other relevant considerations involved in establishing the tolerance. The existing meat and milk tolerances are adequate to cover any residues resulting from the proposed use. There is no reasonable expectation of residues in poultry and eggs.

The pesticide is considered useful for the purpose for which the tolerance is sought, and it is concluded that the tolerance for the combined residues of carbofuran and its metabolites in or on the raw agricultural commodity cottonseed 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 January 29, 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.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this rule from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

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 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 December 30, 1981.

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

Dated: December 10, 1981.

Robert V. Brown,

Acting Director, Office of Pesticide Programs.

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

Therefore, 40 CFR 180.254 is amended by adding the commodity cottonseed to read as follows:

§ 180.254 Carbofuran; tolerances for residues.

* * * * *

Commodity	Parts per million (ppm)
Cottonseed (of which no more than 0.2 ppm is carbamates)	1.0

* * * * *

[FR Doc. 81-36799 Filed 12-29-81; 8:45 am]

BILLING CODE 6560-32-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

41 CFR Part 51-4

Workshop Qualification and Responsibilities

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Technical amendments.

SUMMARY: This document amends the Committee's regulations to include OMB control numbers at the places in the regulations where current information collection or recordkeeping requirements are described.

EFFECTIVE DATE: December 31, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street, North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: The information collection requirements contained in the regulatory sections listed below 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 assigned the control numbers indicated.

The listing of OMB control numbers for the four Committee forms required in

§ 51–4.2 is shown in a new paragraph (e) of that section.

An administrative change has been made in § 51–4.3 to delete the reference to the authority for recordkeeping now shown immediately below the caption and to show that information in a new paragraph (c) of that section.

PART 51–4—WORKSHOPS

Accordingly, 41 CFR Part 51–4 is amended as follows:

1. In § 51–4.2 add a new paragraph (e) to read as follows:

§ 51–4.2 Procedures for qualification.

* * * * *

(e) The information collection requirements of this section 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 the following OMB control numbers:

Committee form	OMB control No.
Committee Form 401	3037–0004
Committee Form 402	3037–0003
Committee Form 403	3037–0001
Committee Form 404	3037–0002

2. In § 51–4.3 remove the introductory note relating to recordkeeping requirements immediately below the caption and add a new paragraph (c) to read as follows:

§ 51–4.3 Responsibilities.

* * * * *

(c) The recordkeeping requirements of this section 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 3037–0005.

(Pub. L. 92–28, 41 U.S.C. 46–48c, 85 Stat. 77)

C. W. Fletcher,

Executive Director.

[FR Doc. 81–37171 Filed 12–29–81; 8:45 am]

BILLING CODE 6820–33–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6099

Emergency Withdrawal of Archeological Sites, Windy Gap Project, Grand County, Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws 679.46 acres of public land from the public land laws including the mining laws to protect valuable archeological sites.

EFFECTIVE DATE: December 23, 1981.

FOR FURTHER INFORMATION CONTACT: Sue Bosma, Washington Office, 202–343–6486.

SUPPLEMENTARY INFORMATION:

By virtue of the authority vested in the Secretary of the Interior pursuant to Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and in accordance with subsection 204(e) of the Act, it is hereby ordered as follows:

1. Subject to valid existing rights, the following described public lands which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from settlement, sale, location, or entry under the general land laws, including the mining laws, 30 U.S.C. Ch. 2, for protection of archeological sites.

6th Principal Meridian

T. 2 N., R 76 W.,
Sec. 17, SE¼SE¼;
Sec. 19, NE¼;
Sec. 20, N½NE¼, SW¼NE¼, NW¼.
T. 2 N., R. 77 W.,
Sec. 23, Lot 8;
Sec. 24, Lots 3 and 4;
Sec. 25, Lots 1 and 2;
Sec. 26, Lot 1.

The lands aggregate 679.46 acres in Grand County, Colorado.

2. The emergency withdrawal made by this order does not alter the applicability of those public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. This emergency withdrawal shall remain in effect for a period of three years from the date that the order is signed unless extended under the provisions of subsections (c)(1) or (d), whichever is applicable, and (b)(1) of section 204 of the Federal Land Policy and Management Act of 1976.

Donald Paul Hodel,

Acting Secretary of the Interior.

December 23, 1981.

[FR Doc. 81–37143 Filed 12–29–81; 8:45 am]

BILLING CODE 4310–84–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[Docket No. FEMA 6225]

44 CFR Part 65

Identification and Mapping of Special Flood Hazard Areas; Changes in Special Flood Hazard Areas Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Interim rule.

SUMMARY: This rule lists those communities where modification of the base (100-year) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base (100-year) elevations for new buildings and their contents and for second layer insurance on existing buildings and their contents.

DATES: These modified elevations are currently in effect and amend the Flood Insurance Rate Map (FIRM) in effect prior to this determination.

From the date of the second publication of notice of these changes in a prominent local newspaper, any person has ninety (90) days in which he can request through the community that the Associate Director, State and Local Programs and Support reconsider the changes. These modified elevations may be changed during the 90-day period.

ADDRESSES: The modified base (100-year) flood elevation determinations are available for inspection at the office of the Chief Executive Officer of the community, listed in the fifth column of the table. Send comments to that address also.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P. E., Chief, Engineering Branch, Office of State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0220.

SUPPLEMENTARY INFORMATION: The numerous changes made in the base (100-year) flood elevations on the Flood Insurance Rate Map(s) make it administratively infeasible to publish in this notice all of the modified base (100-year) flood elevations contained on the map. However, this rule includes the address of the Chief Executive Officer of the community where the modified base (100-year) flood elevation determinations are available for inspection. Any request for reconsideration must be based on knowledge of changed conditions, or new scientific or technical data.

These modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968) (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 65.4 (Presently appearing at its former site 24 CFR 1915).

For rating purposes, the revised community number is listed and must be used for all new policies and renewals.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations, together with the flood plain management measures required by § 60.3 (presently appearing at its former § 1910.3) of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time, enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities.

The changes in the base (100-year) flood elevations listed below are in accordance with 44 CFR 65.4. (Presently appearing at its former § 1915.4):

State and county	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modified flood insurance rate map	New community No.
Pennsylvania: Cameron	Borough of Driftwood	*Cameron County Echo*, Apr. 29 and May 6, 1981.	Honorable Bert Morton, Mayor, Borough of Driftwood, Driftwood, Pa.15832.	May 8, 1981	420245C
Virginia: Arlington	Unincorporated areas	*North Virginia Sun*, May 29, June 5, July 3, and July 10, 1981.	W. V. Ford, County Manager, Arlington County, 1400 North Courthouse Road, Room 204, Arlington, Va. 22201.	May 8, 1981 (68B).	515520A
Wisconsin: Dane	Village of Black Earth	*News Sickle Arrow*, May 28 and June 4, 1981.	John H. Curtis, Village President, Village of Black Earth, 1210 Mills Street, Black Earth, Wis. 53515.	May 8, 1981 (66B).	550079B
Manitowoc	Village of Mishicot	*Herald Times Reporter*, May 8 and May 15, 1981.	George Krause, Sr., Village President, Village of Mishicot, P.O. Box 122, Mishicot, Wis. 54228.	May 15, 1981	555566C
California: Alameda	City of Union City	*The Daily Review*, June 15 and June 16, 1981.	The Honorable Tom Kitayama, Mayor, City of Union City, 34009 Alvarado-Niles Road, Union City, Calif. 94587.	May 19, 1981 (66–B).	060014A
Delaware: Sussex	City of Seaford	*The Seaford Leader*, June 10 and June 17, 1981.	Woodrow W. Crosby, City Manager, City of Seaford, City Hall, 302 East King Street, Seaford, Del. 19973.	June 2, 1981 (66B).	100048B
Pennsylvania: Crawford	Borough of Conneaut Lake	*Meadville Tribune*, May 29 and June 5, 1981.	James E. Hubbard, President of Council, Borough of Conneaut Lake, State Street, Conneaut Lake, Pa. 16316.	June 5, 1981	422386C
Oklahoma: Tulsa and Osage	City of Tulsa	*Tulsa Daily World* and *Tulsa Tribune*, June 24 and June 25, 1981.	The Honorable James M. Inhofe, Mayor, City of Tulsa, 200 Civic Center, Tulsa, Okla. 74103.	June 15, 1981 (66–B).	405381D
Minnesota: Anoka	City of Blain	*Blain-Spring Lake Park Life*, June 12 and June 19, 1981.	Lesley M. Johnson, City Manager, City of Blain, 9150 Central Avenue, Blain, Minn. 55434.	June 19, 1981	270007C
Wisconsin: Milwaukee	City of Glendale	*The Glendale Herald*, June 11 and June 18, 1981.	Honorable Norbert J. Hynek, Mayor, City of Glendale, 5909 North Milwaukee River Parkway, Glendale, Wis. 53209.	June 19, 1981	550275C
Wood	City of Wisconsin Rapids	*The Daily Tribune*, June 12, and June 19, 1981.	Honorable James Kubisiak, Mayor, City of Wisconsin Rapids, 444 West Grand Avenue, Wisconsin Rapids, Wis. 54494.	June 19, 1981	555587D
Missouri: Platte	Unincorporated area	*The Landmark*, July 10 and July 17, 1981.	The Honorable John M. Reineke, Presiding Judge, Platte County Courthouse, 324 Main Street, Platte City, Mo. 64079.	June 25, 1981 (66–B).	290475A
Pennsylvania: Luzerne	Borough of Forty Fort	*Times Leader*, June 26 and July 3, 1981.	Honorable Paul Detweiler, Mayor, Borough of Forty Fort, 1271 Wyoming Avenue, Municipal Building, Forty Fort, Pa. 18704.	July 3, 1981	420607C
Luzerne	Borough of Wyoming	*Times Leader*, June 26 and July 3, 1981.	Honorable George Metcalfe, Mayor, Borough of Wyoming, 277 Wyoming Avenue, Wyoming, Pa. 18644.	July 3, 1981	420633D
California: San Luis Obispo	City of San Luis Obispo	*San Luis Obispo County Telegram-Tribune*, July 8 and July 9, 1981.	The Honorable Melanie Billig, Mayor, City of San Luis Obispo, P.O. Box 321, San Luis Obispo, Calif. 93406.	July 7, 1981	060310C
Florida: Hillsborough	Unincorporated area	*The Tampa Tribune*, Aug. 27 and Sept. 3, 1981.	Honorable Jan Platt, Chairperson, County Comm., Hillsborough Co., P.O. Box 1110, Tampa, Fla. 33601.	Aug. 13, 1981 (66–B).	120112B
Illinois: Rock Island	City of Rock Island	*Rock Island Argus*, Feb. 6 and Feb. 13, 1981.	Honorable James R. Davis, Mayor, City of Rock Island, 1528 Third Avenue, Rock Island, Ill. 61201.	Sept. 18, 1981	175171C
North Carolina: Cumberland	City of FAyetteville	*Fayetteville Observer* Feb. 6 and Feb. 13, 1981.	The Honorable Beth Finch, Mayor, City of Fayetteville, City Hall, 234 Green Street, Fayetteville, N.C. 28301.	Sept. 25, 1981	370077C

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Associate Director, State and Local Programs and Support))

Issued: December 4, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-37164 Filed 12-29-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations; Illinois

AGENCY: FEMA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required either to adopt or show evidence of being already in effect

in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 287–0230, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determination of flood elevation for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Agency has resolved the appeals presented by the community.

The Agency has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 USC 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the (final) flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The final base (100-year) flood elevations for selected locations are:

FINAL BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Illinois	(V), Naples, Scott County (Docket No. FEMA-5944)	Illinois River	At the downstream corporate limit	*446
			At the upstream corporate limit	*446

Maps available for inspection at the Village Hall, P.O. Box 2023, Naples, Illinois.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: December 10, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-37166 Filed 12-29-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-5978]

National Flood Insurance Program; Final Flood Elevation Determination; Wisconsin

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency has erroneously published the final base flood elevation (BFE) determination for the Village of West Salem, La Crosse County, Wisconsin. This notice will serve to delete that publication. Following an engineering analysis and review, it has been determined that the BFE's for the La Crosse River are approximately two feet higher.

EFFECTIVE DATE: December 30, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 287–0270, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: A recent reanalysis by the Wisconsin Department of Natural Resources has resulted in BFE's that are approximately two feet higher on the La Crosse River. The Federal Emergency Management Agency has determined, therefore, that the notice of final flood elevation determination for the Village of West Salem, published at 45 FR 58335 on December 1, 1981, should be deleted.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: December 17, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-37167 Filed 12-29-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for Harris County, Tex., Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included

Harris County, Texas. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Harris County, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: December 30, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Office of State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0270.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 480287 Panel 0200C, published on October 6, 1980, in 45 FR 66098 indicates, that Building Nos. 7 and 9 through 15, The Thicket Apartments, located on a 9.2685 acre tract of land out of Unrestricted Reserves "Q" and "R", Northborough, Section 3, Harris County, Texas, as recorded in Volume 292, Page 73, in the Office of the Clerk, Harris County, Texas, are within the Special Flood Hazard Area.

Map No. H & I 480287 Panel 0200C is hereby corrected to reflect that the above mentioned buildings are not within the Special Flood Hazard Area identified on February 24, 1981. These buildings are in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local programs and Support)

Issued: November 10, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-37162 Filed 12-29-81; 8:45 am]

BILLING CODE 6718-03-M

---

44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for City of Houston, Tex., Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Houston, Texas. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Houston, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: December 30, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Office of State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0270.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 480296 Panel 0090B, published on October 6, 1980, in 45 FR 66098, indicates that a 9.446 acre tract of land out of the O. P. Kelton Survey, A–493, Houston, Texas, recorded as Instrument Numbers 177–92–0348 through 177–92–0350, in the Office of the Clerk, Harris County, Texas, is within the Special Flood Hazard Area.

Map No. H & I 480296 Panel 0090B is hereby corrected to reflect that the above mentioned property is not within the Special Flood Hazard Area identified on December 11, 1979. This property is in Zone C.

Pursuant to provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: December 10, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-37163 Filed 12-29-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 81

[Docket No. FEMA-FIA-81]

Purchase of Insurance and Adjustment of Claims

AGENCY: Federal Insurance Administration (FIA), Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: This rule amends the list of eligible states under the Federal Crime Insurance Program to include the State of Louisiana making the citizens of that state eligible to purchase Federal Crime Insurance policies against burglary and robbery losses under the Federal Crime Insurance Program.

EFFECTIVE DATE: January 1, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Robert DeHenzel, Director for Urban Property Insurance Operations Division, Office of Insurance Operations, Federal Insurance Administration, 500 "C" Street, S.W., Room 433, Washington, D.C. 20472, Telephone Number 202-287-0800.

SUPPLEMENTARY INFORMATION: This action is being taken under the authority of 12 U.S.C. 1749bbb-10a on the basis of evidence obtained through a continuing review of the market availability situation in each of the several states and particularly upon consultation with and conclusions and recommendations from a Member of the Louisiana Congressional Delegation, the Mayor of New Orleans, along with statements from numerous Louisiana citizens, who expressed their difficulties in obtaining affordable crime insurance coverage in the state.

The Federal Crime Insurance Program commenced operation on August 1, 1971, and approximately 73,000 policies are currently in force in the District of Columbia, Puerto Rico, the Virgin Islands and twenty-six (26) states eligible for Federal Crime Insurance. The program enables residents and businesses to obtain affordable policies of burglary and robbery insurance which will not be canceled or nonrenewed because of losses. Applicants are required to meet minimum protective device requirements designed to reduce their vulnerability to losses. A Member of the Louisiana Delegation, and the Mayor of New Orleans, after considering the insurance needs of their constituents, has consulted with FIA and requested that their constituents be made eligible to purchase Federal Crime Insurance. On the basis of this evidence, the Administration has concluded that Louisiana should be added to the program.

With the addition of this state, the Federal Crime Insurance Program will be available to the residents and businesses in the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands and twenty-seven states. Accordingly, on the basis of the Administrator's continuing review of the crime insurance availability situation, it has been determined that a critical market unavailability situation exists in the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands and the states set forth in revised § 81.1(b) and that as of the effective date of this regulation, January 1, 1982, these jurisdictions will be made eligible for the sale of crime insurance or continued to be eligible for such sale. Because the increased availability of Federal Crime Insurance is beneficial to the public, and has no adverse effect upon any person, it is unnecessary to provide for notice and public procedure, and good cause exists for making this amendment effective as soon as possible. A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with FEMA Regulations published at 44 CFR Part 11. A copy of this Finding of Inapplicability is available for public inspection during regular business hours at the following address: Rules Docket Clerk, Federal Emergency Management Agency, 500 "C" Street, S.W., Room 835, Washington, D.C.

PART 81—PURCHASE OF INSURANCE AND ADJUSTMENT OF CLAIMS

Accordingly, Part 81 is amended as follows: Paragraph (b) of § 81.1 is revised to read as follows:

§ 81.1 Jurisdictions eligible for sale of crime insurance.

* * * * *

(b) On the basis of the information available, the Administration has determined that the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands and the states set forth in this paragraph have an unresolved critical market availability situation that requires the operation of the Federal Crime Insurance Program therein as of January 1, 1982. Accordingly, the program is in operation in the following jurisdictions.

Alabama	Missouri
Arkansas	New Jersey
California	New Mexico
Colorado	New York
Connecticut	North Carolina
Delaware	Ohio
Florida	Pennsylvania
Georgia	Rhode Island
Illinois	Tennessee
Iowa	Virginia
Kansas	Washington
Louisiana	Wisconsin
Maryland	District of Columbia
Massachusetts	Puerto Rico
Minnesota	Virgin Islands

* * * * *

(Section 7(d), 70 Stat. 670; 42 U.S.C. 3535(d); Section 1103, 82 Stat. 466, 12 U.S.C. 1749bbb-17)

Issued at Washington, D.C., November 13, 1981.

James M. Rose, Jr.,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-37160 Filed 12-29-81; 8:45 am]

BILLING CODE 6718-03-M

Proposed Rules

Federal Register
Vol. 46, No. 250
Wednesday, December 30, 1981

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service[1]

Food Safety and Quality Service

7 CFR Parts 53 and 2853

Standards for Grades of Carcass Beef and Standards for Grades of Slaughter Cattle

AGENCY: Agricultural Marketing Service (AMS), USDA.

ACTION: Proposed rules.

SUMMARY: This proposed rule would revise the official U.S. standards for grades of carcass beef and the related standards for grades of slaughter cattle. The proposed changes for grades of carcass beef provide that the minimum marbling requirements for the Prime, Choice, and Good Grades in A maturity (cattle up to approximately 30 months of age) would be reduced to minimum moderate, typical slight, and minimum traces, respectively; that all young beef inferior to the minimum requirements for the Good grade would be graded Utility; that the rate of increase in marbling requirements in B maturity (cattle approximately 30 to 42 months of age) would be doubled; and the quality grade requirements for bullock beef would be changed to be the same as those proposed for steer, heifer, and cow beef in A maturity. The related standards for grades of slaughter cattle which are based on the carcass grade standards would be revised to reflect the changes proposed for grades of carcass beef. No changes in the yield grade standards are proposed. The proposed changes should allow leaner beef to qualify for the Prime, Choice, and Good grades but not significantly lower the palatability of either the Prime or Choice grades. The changes that are proposed should improve the effectiveness of the standards in meeting the needs of users of the system.

DATES: Comments must be received on or before March 31, 1982. See Supplementary Information for dates of public hearing sessions.

ADDRESSES: Written comments to: Livestock, Meat, Grain, and Seed Division, Agricultural Marketing Service, 2M-Annex, U.S. Department of Agriculture, Washington, D.C. 20250. See Supplementary Information for locations of public hearing sessions.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Fuller, Deputy Director, Livestock, Meat, Grain, and Seed Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-4727. Copies of the Preliminary Regulatory Impact Analysis are available from Mr. Fuller.

SUPPLEMENTARY INFORMATION:

Regulatory Impact Analysis

This proposed action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified as a major rule pursuant to section 1(b)(1) of that order because it offers the potential for an annual savings of $100 million of more in feed costs in producing the nation's fed-beef supply. The Department's review is reported in its Preliminary Regulatory Impact Analysis (PRIA). The summary of the PRIA is published as an appendix to this proposal. The PRIA also satisfies the analysis requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601 *et seq.*), which deals with the impact of regulation on small entities.

Comments and Hearings

The changes proposed in the beef standards are expected to have a significant impact on all parts of the livestock and meat industry and on the consuming public and it is anticipated that there will be widespread interest in the proposed changes. In order that all those affected have ample opportunity to comment, oral as well as written views, data, or arguments will be received on the proposal. In this regard, a public hearing will be held on the proposed changes contained in this notice. Hearing sessions will be held at the locations listed below beginning on the dates shown:

1. February 9, 1982—Salt Lake City, Utah 84116, Wright Center, Airport Hilton Inn, 5151 Wiley Post Way.
2. February 11, 1982—Atlanta, Georgia 30303, L. D. Strom Auditorium, Lower Plaza Level, R. B. Russell Federal Building, 75 Spring St. SW.
3. February 16, 1982—Washington, DC 20250, Jefferson Auditorium, South Agriculture Building, 14th and Independence SW.
4. February 22, 1982—Des Moines, Iowa 50319, Henry A. Wallace Building Auditorium, East 9th Street and Grand Avenue.
5. February 25, 1982—Dallas, Texas 75220, Dunfey Dallas Hotel, 3800 W. Northwest Highway.

Each day's session of the hearing will commence at 9 a.m., local time, unless the presiding official otherwise specifies during the course of the hearing. Any of the sessions may be continued beyond 1 day if necessary. Persons who wish to be heard are requested to notify the Administrator, Agricultural Marketing Service (AMS), Washington, D.C. 20250, on or before February 1, 1982, stating the session at which they wish to present a statement and how much time they will need to present the statement. However, any person who wishes to be heard at the hearing will be afforded opportunity to be heard, whether or not that person has given such advance notice. A written copy of the speaker's statement is requested and may be presented to the presiding official at the hearing sessions.

In addition, all persons who desire to submit written data, views, or comments on this proposal are invited to submit such material in duplicate, to the Livestock, Meat, Grain, and Seed Division, AMS, 2M-Annex, U.S. Department of Agriculture, Washington, D.C. 20250 on or before March 31, 1982. Comments must be signed and include the address of the sender and should bear a reference to the date and page number of this issue of the **Federal Register.** Since the comments will be considered in the resolution of this proposal, they should include definitive information which explains and supports the sender's views. All written submissions and transcripts of the comments at the public hearing will be made available for public inspection at the office of the Deputy Director,

[1] The Commodity Services Program of the Food Safety and Quality Service of the U.S. Department of Agriculture (USDA) was transferred to the Agricultural Marketing Service of USDA by USDA Secretary's Memorandum 1000-1, issued June 17, 1981. A notice detailing the agencies' reorganization is being drafted for later publication.

Livestock, Meat, Grain, and Seed Division, AMS, 2M–Annex, during regular business hours.

Background

The Federal grading of beef is a voluntary service, provided under the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 *et seq.*), which is designed to facilitate the marketing of livestock and meat. Beef grades are intended to segregate the beef supply into groups of carcasses with similar attributes of palatability and yields of cuts. These are the criteria that generally are of ultimate concern to consumers and the beef industry as they affect the acceptability of beef and to a great extent the ultimate price and consumption of beef. Beef grades have served as useful marketing tools since the voluntary beef grading and stamping service was begun in May 1927. Grades provide a common language and basis for marketing of livestock and meat as well as providing an opportunity for consumer desires to be communicated through the industry so that necessary changes in livestock feeding and production may be made.

Beef grading is a voluntary service provided by the Department for a fee to users who request the service. Because beef grading is voluntary, not all marketed beef is graded. In 1980 approximately 56 percent of commercial beef production was graded. However, approximately three-fourths of the fed-beef supply was graded. Fed beef is the portion of the beef supply which provides most of the beef available to consumers as retail cuts. Non-fed beef is generally regarded as manufacturing beef and used in sausage, ground beef, and other prepared-type products. Of the beef that was graded in 1980, approximately 6 percent was Prime, 90 percent was Choice, and 4 percent was Good. Most of the fed-beef supply that was not graded would fail to meet the requirements for Prime or Choice. This beef is generally equivalent to the Good grade but is marketed ungraded.

When beef is voluntarily graded, the official grade consists of both a quality grade and a yield grade. The quality grades are intended to identify differences in the palatability of cooked beef principally through the characteristics of marbling and maturity. The official USDA quality grades are Prime, Choice, Good, Standard, Commercial, Utility, Cutter, and Canner. The yield grades identify differences in the percentage of product that may be obtained from a carcass. The official USDA yield grades are denoted by numbers 1 through 5 with Yield Grade 1 representing the highest yield of cuts (highest cutability).

The Department has followed the philosophy in developing grades that, to be effective, beef grades should sort the supply of beef carcasses into groups having a sufficiently narrow range of grade-determining factors so that carcasses within a given grade are essentially interchangeable. The degree of interchangeability should also be higher within a grade than it is between grades. Since grading is a tool to facilitate marketing, grades should identify segments of the beef supply that have similar attributes of importance to purchasers; e.g., a superior level of palatability or yield for which a value differential should exist. Thus, grading can provide a means of identifying and communicating users' desires throughout the industry. Grades should be as compatible as possible with efficient production practices although the most desired grade(s) is not necessarily the most efficient to produce. In addition, grades should be based on criteria that can be evaluated as rapidly and accurately as possible while still identifying attributes of importance.

The Department recognizes that the beef standards cannot be static—they must be dynamic to be of greatest value to the various users. In keeping with this philosophy, the Department has made changes in the standards as necessary to meet the changing needs of users of the system. Recommendations for changes in the standards may be initiated by the Department or by interested parties; however, before giving consideration to proposing changes, the Department must be assured that such changes would make a substantial improvement in the standards. When it appears that a change would improve the standards, a proposal is published and interested parties are provided an opportunity to comment. A decision regarding adoption of the proposed change is made only after receipt and analysis of all comments.

Changes are usually made in the standards for one or more of the following reasons: (1) to clarify the intent of the standards or to otherwise improve the ease of application or uniformity of their interpretation; (2) to incorporate the results of research findings with respect to the importance of various grade factors; or (3) to keep the standards abreast of established changes in consumer preferences and livestock production practices.

In April 1981 the National Cattlemen's Association (NCA) petitioned USDA to modify the beef quality grade standards to keep them current with new research information, with changes in production practices, and changes in consumer preference. The NCA stated their recommendations were based on a need to respond to a growing demand for more lean beef and to encourage producers to produce a product with a higher percentage of lean. Since the submission of the NCA petition, numerous other groups [1] and individuals have either formally or informally provided USDA with recommendations regarding the current beef grade standards. Still others have presented their positions publicly. These comments include some supporting the current system, others calling for a return to the standards in effect prior to the 1975 beef grade change, and others calling for changes similar to the NCA recommendations. The recommendations provided to USDA are included in the administrative record and are available for inspection during regular business hours at the office of the Deputy Director, Livestock, Meat, Grain, and Seed Division, AMS. Several of the groups that recommended changes in the beef grade standards represent major segments of the livestock and meat industry. Of the groups that recommended changes, each recommended that the relative emphasis placed on marbling and maturity in determining the quality grade be changed. However, the degree of recommended change was diverse. Livestock industry groups generally recommended a decrease in the marbling requirement of one degree for Prime, one degree for Choice, two degrees for Good, and elimination of the Standard grade. In addition, they generally recommended that carcasses

[1] Groups submitting letters or petitions containing recommendations or statements of position on beef grade changes prior to October 1, 1981.

American Brahman Breeders Association.
American-International Charolais Association.
American Meat Institute.
Arizona Cattle Feeders Association.
California Cattle Feeders Association.
California Cattlemen's Association.
Community Nutrition Institute.
Greater New York Association of Meat and Poultry Dealers.
Iowa Cattlemen's Association.
Kentucky Angus Association.
National Association of Meat Purveyors.
National Cattlemen's Association.
National Meat Association.
National Restaurant Association.
New England Wholesale Meat Dealers Association.
Oregon Cattlemens Association.
Texas and Southwestern Cattle Raisers Association.
Washington Cattlemen's Association.
Western States Meat Packers Association.

with a slight amount of marbling be required to meet a minimum fat thickness requirement (0.2 to 0.3 inch thickness at the 12th rib) and a fat color requirement in order to be graded Choice. The recommendations from the meat industry groups generally advocated maintaining the present Prime requirements, lowering the marbling requirement for Choice one degree and Good two degrees but not to include any fat thickness or color requirements as additional requirements for the Choice grade. Also, two meat industry groups recommended that yield grading be provided on an optional basis, as it was prior to the 1975 grade changes. In addition to these specific recommendations, the Department was also requested to consider allowing trimming of external fat on the kill floor prior to grading, to consider allowing removal of kidney, pelvic, and heart fat, and to consider changes in the grade nomenclature of carcasses in the C, D, and E maturity groups.

In 1975 the beef quality grade standards were revised (Figure A) to require that the minimum amount of marbling for a grade be the same throughout A maturity (cattle up to approximately 30 months of age). In B maturity (cattle approximately 30 to 42 months of age) the marbling requirements were reduced one full degree for Prime and Choice. The net effect of that change was to reduce the marbling required for most beef to qualify for Prime and Choice between one-half degree and one full degree. The change was supported by research which showed that, for beef in A maturity, increases in marbling were not needed to offset the effects of increased maturity on palatability. For more mature beef, however, it appeared that increased marbling was required to offset further increases in maturity.

A major reason for the 1975 revision of the beef grade standards was to provide a leaner product to consumers by reducing the amount of waste fat produced. It was believed that the reduced marbling requirements would not significantly reduce beef palatablity, but would be a factor in reducing the amount of grain feeding necessary for beef to qualify for Prime and Choice and, as a result, help reduce the amount of waste fat produced. There is little evidence of a reduction in waste fat production since 1975, although it is believed this is due to factors other than the grade standards. This is in spite of discounts for overfat beef (Yield Grades 4 and 5) which have often far exceeded the discounts for lower quality beef (below Choice).

Although the beef grade changes in 1975 tended to encourage improvement in the efficiency of beef production, several factors have prevented the industry from operating profitably. Increases in beef prices have not kept pace with production costs and inflation. Rising costs for all products have prompted consumers to look for ways to reduce expenses as their incomes have generally not kept pace with rising expenses. Because beef represents a relatively high volume, high cost item in the diet, many consumers have chosen to reduce their expenses through reductions in beef consumption. As consumers have reduced beef purchases in favor of less costly alternatives, overall beef production and per capita consumption have decreased, and beef prices have fallen further behind production costs. Consumers have also demanded leaner beef because of both economic and dietary concerns. Beef producers have sought ways to stimulate consumption and to improve production efficiency in an effort to return to a profitable basis. The industry believes that one way these goals may be achieved is through the production of leaner beef.

The 1975 grade changes were supported by most of the research that was applicable at that time. However, the Agricultural Marketing Service has continued to encourage and otherwise support further research to evaluate the effects of marbling and maturity on beef palatability and also to determine whether other factors could be used in grading to better identify palatability differences. In 1975 the Department of Agriculture initiated a major study of beef quality in cooperation with Texas A&M University, Colorado State University, and Iowa State University. This study, which involved over 1,000 beef carcasses, was the most comprehensive study of grades, grade factors, and beef palatability ever conducted. A major purpose for this study was to provide an evaluation of the 1975 revisions in the grading standards. It was also hoped that the study might provide a basis for making further improvements in the grades as indicators of palatability. The beef quality study has now been completed, and a report of the results has been furnished to USDA by Texas A&M University. USDA has also conducted independent analyses of the data and has carefully analyzed the effects of possible grade revisions using this data.

Several of the findings and associations indicated by the results of the 1975 USDA beef quality study and many other studies are relevant to any attempt to group carcasses into grades with similar palatability characteristics. These studies indicate that while differences in palatability are associated with marbling, maturity, and quality grade, there will always be an overlap of the palatability of carcasses at the point where a grade line is drawn. For example, the overall satisfaction scores for loin steaks by marbling score in the A, B, C, and E maturity groups from the USDA study are shown in Table 1.

TABLE 1.—MEAN SENSORY PANEL RATINGS AND STANDARD DEVIATIONS FOR OVERALL SATISFACTION FOR LOIN STEAKS BY MATURITY AND BY MARBLING SCORE

Marbling score	Sensory panel rating[a]			
	A maturity mean (S.D.)	B maturity mean (S.D.)	C maturity mean (S.D.)	E maturity mean (S.D.)
Moderately abundant	[a] 6.18 (0.56)	[a] 5.92 (0.64)	[a] 5.69 (0.84)	[a] 3.91 (0.89)
Slightly abundant	[a] 6.00 (0.53)	[a] 5.73 (0.66)	[ab] 5.36 (0.93)	[a] 3.86 (0.84)
Moderate	[ab] 5.93 (0.59)	[a*] 5.65 (0.59)	[ab] 5.48 (0.71)	[ab] 3.65 (0.78)
Modest	[bc] 5.73 (0.52)	[a] 5.62 (0.57)	[bc] 5.10 (0.94)	[ab] 3.68 (0.81)
Small	[cd] 5.60 (0.55)	[b*] 5.25 (0.66)	[cd] 4.78 (0.91)	[ab] 3.74 (0.71)
Slight	[d] 5.43 (0.52)	[c*] 4.82 (1.04)	[de] 4.57 (0.75)	[bc] 3.27 (0.71)
Traces	[e] 5.01 (0.77)	[c*] 4.46 (0.81)	[ef] 4.13 (1.08)	[ab] 3.61 (0.68)
Practically devoid	[f] 4.51 (0.97)	[d*] 3.64 (0.91)	[f] 3.73 (0.75)	[c] 2.93 (0.59)

[a-f] Means in any column preceded by the same letter are not significantly different (P<.05).
*Differs significantly (P<.05) from corresponding marbling score in A maturity.
[a] 8 = extremely desirable in overall palatability, 1 = extremely undesirable in overall palatability.

Although there are significant differences in overall satisfaction in A maturity for marbling scores, due to the variation associated with the means, there will always be some carcasses within any given marbling score that will have palatability more typical of another marbling score. It is also evident from Table 1 that due to this overlap, distinct breaking points between grades are generally unavailable. Therefore, any segmentation into grades will by necessity place some carcasses into a grade for which their palatability is not typical. This problem has long been recognized and contributes to the difficulty of developing grade lines that are acceptable to all of the various users of the grading system. However, a major objective of the grade standards must be to minimize to the extent possible this overlap between grades as well as to minimize the variation within grades.

The USDA has carefully evaluated the recommendations and supporting data submitted, reviewed the available published research and information, and conducted specific analyses using the palatability data from the 1975 USDA study to determine whether revisions of the beef quality grade standards should be proposed. The results of these analyses comparing viable alternatives to the present and previous grade standards are contained in an "Issue Paper—Effects of Alternative Grade Systems on Beef Palatability" which is part of the administrative record available for public inspection.

Although the Department's review of the beef quality standards has culminated in a specific set of proposed modifications of the beef grades, it is believed to be in the public interest to present a brief discussion of the present standards, as well as alternatives reflecting recommendations provided to the Department. Because of the difficulty of developing any beef quality grade system able to meet the needs of all users, it is believed that comments and supporting data concerning not only the Department's proposal but also the present standards and other alternatives will be beneficial in the resolution of this proposed rulemaking. The alternatives that are discussed are believed to represent the major recommendations for change of which the Department is aware. Some deviations from the alternatives will also be presented to allow public comparison of the various alternatives presented. Although these alternatives have merit, the available data and information indicate that improvements in the beef quality standards ability to meet the needs of all users can be achieved most effectively by the revisions proposed.

Present Standards

The requirements for the present standards are shown in Figure A. The present grade standards appear to separate beef adequately according to palatability (Table 2), and there is support for maintaining the present system.

TABLE 2.—MEAN SENSORY PANEL RATINGS AND STANDARD DEVIATION FOR OVERALL SATISFACTION FOR LOIN STEAKS BY USDA QUALITY GRADE

Quality grade	Sensory Panel Rating [b]			
	Present standards—mean (S.D.)	Proposed standards—mean (S.D.)	NCA alternative—mean (S.D.)	New Grade alternative—mean (S.D.)
Prime	[a]6.02 (0.56)	[a]5.97 (0.59)	[a]5.97 (0.57)	[a]6.02 (0.56)
Choice	[b]5.71 (0.56)	[b]5.61 (0.56)	[b]5.56 (0.56)	[b]5.77 (0.58)
Good	[c]5.32 (0.56)	[c]5.10 (0.71)	[c]4.69 (0.96)	
Select **				[c]5.46 (0.58)
Commercial	[d]4.93 (1.07)	[d]4.93 (1.07)	[d]4.93 (1.07)	[d]4.93 (1.07)
Standard	[e]4.64 (0.94)			[e]4.60 (0.97)
Utility	[f]3.99 (0.07)	[e]4.11 (0.99)	[e]4.00 (0.96)	[e]4.00 (0.96)
Cutter	[g]3.39 (0.69)	[g]3.39 (0.69)	[g]3.39 (0.69)	[g]3.39 (0.69)
Canner	[h]2.84 (0.53)	[h]2.84 (0.53)	[h]2.84 (0.53)	[h]2.84 (0.53)

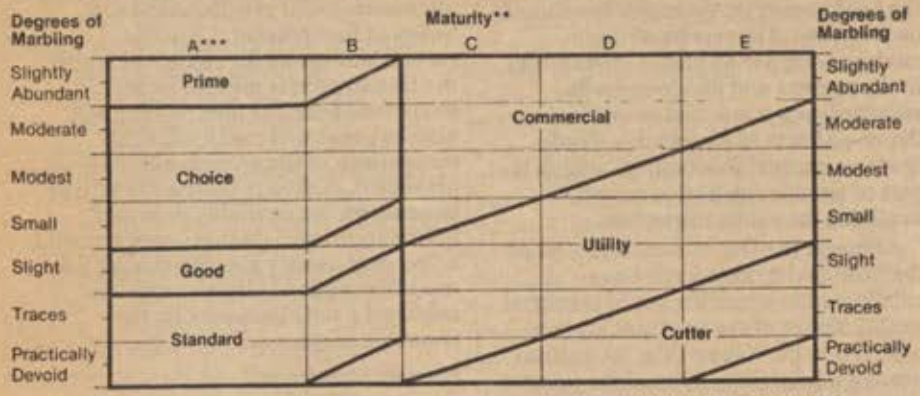
[a-h] Means in any column preceded by the same letter are not significantly different ($P < .05$).
* Differs significantly ($P < .05$) from current grade with the same name.
** New grade name
[b] 8 = extremely desirable in overall palatability, 1 = extremely undesirable in overall palatability.

The Prime grade is higher in palatability than Choice, Choice is superior to Good, and this relationship continues for all the present grades except for Cutter and Canner. It is believed by some users that these standards adequately sort beef according to palatability and that any change in the standards would cause purchasers to alter the levels of quality they buy. This could occur depending upon the degree of any change. Some changes would significantly alter the palatability associated with the various grades while others would not. If the present standards were maintained, there would be no changes in the numbers of cattle qualifying for any particular grade other than those caused by normal market forces. Proponents of the present standards believe that any changes in the marbling-maturity relationship would unnecessarily and unjustifiably lower the quality of beef in the various grades. There is also sentiment that the present grades do not necessarily discourage the production of leaner beef. It is believed that the current Good grade adequately identifies beef of acceptable quality that could also be produced with shorter feeding times than Choice. These proponents believe that many of the objectives of the proposed changes could be achieved by an extensive educational and promotional campaign extolling the virtues of Good grade beef or by changing the Good name, in order to avoid the perceived consumer and industry aversion to its connotation.

The Department believes that the present standards have effectively served the needs of users. However, there is sufficient evidence to support some modifications of the present system in order to improve its effectiveness in meeting the needs of both consumers and the industry.

Present Standards

Relationship Between Marbling, Maturity, and Carcass Quality Grade*



*Assumes that firmness of lean is comparably developed with the degree of marbling and that the carcass is not a "dark cutter."
**Maturity increases from left to right (A through E).
***The A maturity portion of the Figure is the only portion applicable to bullock carcasses.

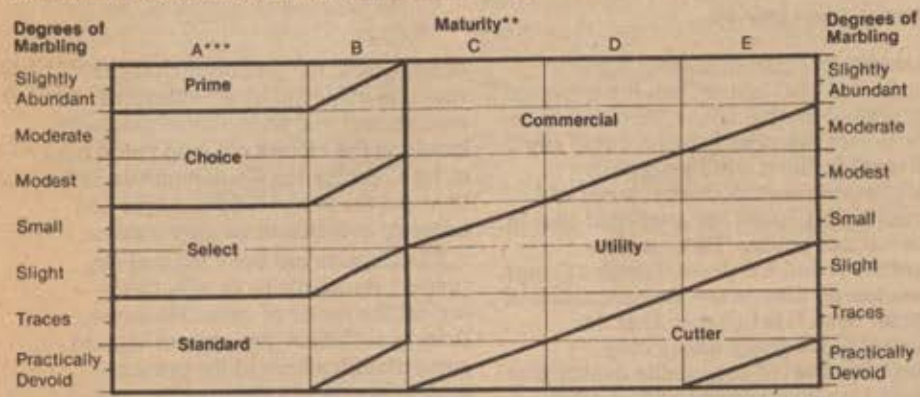
Figure A

New Grade Alternative

There is currently some support for a system which creates a new grade, and the Department believes that this alternative has sufficient merit to warrant its consideration. The marbling-maturity relationship for this system is shown in Figure B and the related palatability scores are shown in Table 2. The "Select" grade name has only been arbitrarily selected for discussion purposes and does not necessarily represent the grade name that would be used under this system. Under this alternative, the Prime grade would remain the same but the lower third of the current Choice grade would be combined with the current Good grade to provide the Select grade. Although not significantly different, the palatability of Choice would be slightly higher than that of the current Choice grade and Select would have a slightly higher palatability than that of the current Good grade.

"New Grade" Alternative

Relationship Between Marbling, Maturity, and Carcass Quality Grade*



*Assumes that firmness of lean is comparably developed with the degree of marbling and that the carcass is not a "dark cutter."
**Maturity increases from left to right (A through E).
***The A maturity portion of the Figure is the only portion applicable to bullock carcasses.

Figure B

It is believed that, under such a grading system, Prime and the new Choice grade would provide sufficient quantities of high quality beef to satisfy highly discriminating consumers and those segments of the industry (purveyors, restaurateurs, etc.) who have traditionally selected this type of beef. In addition, the Select grade should provide a sufficient amount of retail beef with a narrow range of variability and an acceptable level of palatability, although that level would be lower than that of the present Choice grade. The Select grade should include a relatively high percentage of the fed-beef supply. It is anticipated that the feeding times necessary to produce such beef would be essentially the same as for the other alternatives proposed that would allow shorter feeding times and less waste fat production.

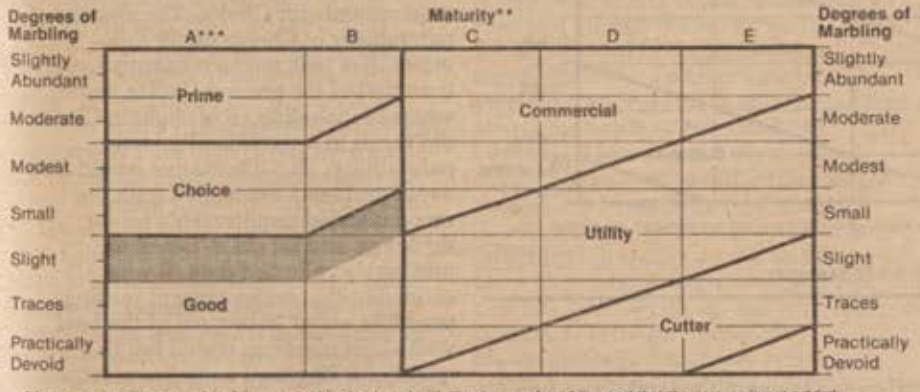
Although there is merit in this system from a palatability standpoint, there are some possible serious liabilities. It could require a very extensive change in marketing practices. In addition, it would shift a fairly large portion of the current fed-beef supply from the accepted Choice grade and the Good grade to a new grade with unknown market potential and acceptability. Little evidence is available to assess the impact of this change. Such a change would probably also require an extensive accompanying educational and promotional campaign for both the industry and consumers. In view of the lack of evidence to indicate the likelihood of acceptance of this system, the Department has sought an alternative able to provide both palatable and leaner beef to consumers without the associated marketing and acceptance problems which are probable with this system.

NCA Alternative

The changes proposed by NCA are shown in Figure C and the related palatability scores for the various grades are shown in Table 2. Using the USDA palatability data, the palatability of Prime under this alternative should be only slightly lower than the present Prime. Although the overall palatability of both Choice and Good would be significantly lowered, it is not evident whether these differences, which were determined by trained taste panelists, could be detected by the average consumer. This alternative would allow feeders more flexibility in feeding and marketing and should encourage the production of somewhat leaner beef. It is difficult to project the impact of any change on feeding times because of the myriad of factors other than grade standards that affect the economic returns to feeders, which subsequently affect feeding time.

NCA Alternative

Relationship Between Marbling, Maturity, and Carcass Quality Grade*



*Assumes that firmness of lean is comparably developed with the degree of marbling and that the carcass is not a "dark cutter."
**Maturity increases from left to right (A through E).
***The A maturity portion of the Figure is the only portion applicable to bullock carcasses.

Choice if fat 0.30 inch or more and not more than slightly yellow.

Figure C

There is considerable research indicating that at least portions of the current Good grade are as acceptable as Choice. This is especially true of beef from cattle that have been fed so as to assure a high percentage of Choice carcasses but that fails to meet the Choice marbling requirement. In order to identify these grain fed carcasses, the NCA recommended that carcasses with slight marbling meet a minimum fat thickness and a fat color requirement in order to qualify for Choice. However, recommendations from meat packers indicated that these requirements could produce problems from a grade

application standpoint that would more than offset the benefits from the inclusion.

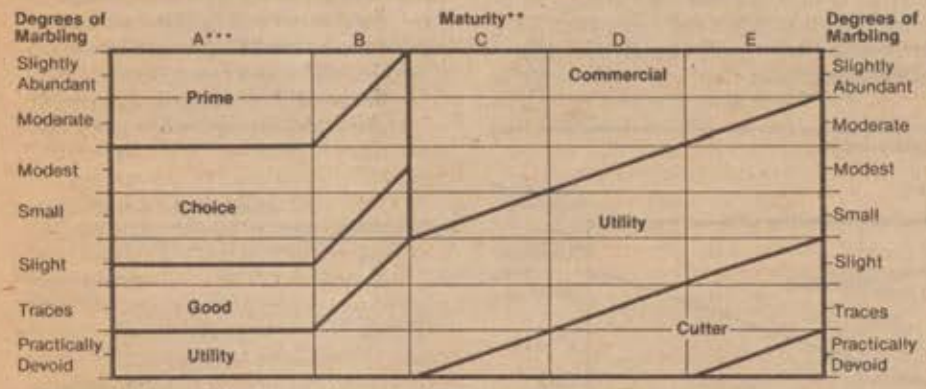
Proposed Quality Grade Standards

Consideration of all the available data and information and an evaluation of the alternatives available indicated that portions of several of the recommendations had merit and would effectively improve the standards. Therefore, the Department has developed an alternative for modification of the beef grade standards, combining those portions of the various alternatives that appear to improve them most effectively.

The relationship between marbling, maturity, and carcass quality grade for the standards that are proposed by USDA is shown in Figure D (Figure D in this discussion in Figure 1 in the proposed regulations) and the related palatability scores for these proposed standards are shown in Table 2. The data shown in Tables 1 and 2, the evaluation of alternative systems, and all other considerations indicated that the recommendation to include moderate marbling in the Prime should be proposed. In A maturity the overall palatability rating for moderate marbling was only slightly lower than for slightly abundant and was not significantly different from either slightly abundant or moderately abundant. Also, the palatability scores for Prime in alternative grading systems that included moderate in Prime were not significantly different from those of Prime under the current standards (Table 2). These results confirmed that moderate could be included in the Prime grade without significantly affecting palatability. This proposed Prime grade should continue to provide beef of high acceptability to consumers who desire these levels of palatability. Unless feeding practices are significantly altered, this change could allow approximately twice as much beef to quality for Prime, which could amount to about 10 percent of the graded-beef supply.

Proposed Standards

Relationship Between Marbling, Maturity, and Carcass Quality Grade*



*Assumes that firmness of lean is comparably developed with the degree of marbling and that the carcass is not a "dark cutter."
**Maturity increases from left to right (A through E).
***The A maturity portion of the Figure is the only portion applicable to bullock carcasses.

Figure D

The alternatives for modifying the Choice grade were more difficult to evaluate. Although a number of scientific studies were cited in support of some of the recommendations, further interpretation and evaluation of these studies did not provide definitive results. Analysis of the USDA data provided further indications for both including and not including carcasses with slight marbling in the Choice grade. For example, there was not a significant difference in overall palatability when small and slight were compared in A maturity (Table 1). However, the differences in palatability were significant when small and slight were compared in B maturity. Furthermore, although the differences in A maturity between modest and small or small and slight were not significant, the difference between modest and slight was significant. Thus, when overall palatability scores of the various recommendations including carcasses with slight marbling in Choice were compared to the present Choice grade, the palatability differences, although small, were significant.

The recommendations to include fat thickness and fat color requirements also presented problems. Although these requirements were recommended to help assure acceptable palatability, analysis of the USDA data indicated that these additional requirements provided very minimal improvements in palatability. Moreover, these additional requirements also have potential for creating serious problems in the grading operation. For example, the grader must first determine whether fat thickness and fat color should be considered (i.e., the marbling is somewhere in the slight degree) and then make an additional subjective evaluation of fat color and measure or estimate the fat thickness. At the speed at which grading is often conducted (chain speeds in excess of 200 carcasses per hour) these requirements could contribute significantly to inaccuracies in beef grading.

Establishment of the minimum marbling requirement for Choice at different points was the basis for several of the alternative grading systems considered. Setting the minimum marbling requirement for Choice at the midpoint (50 percent or "typical slight") of the slight degree appears to be the preferable alternative of those that would reduce the marbling requirements for Choice. The average palatability of Choice under this alternative was not significantly lower than that of the present Choice grade whereas including all of slight in Choice did result in a significantly lower palatability. This alternative would also avoid problems associated with the recommended requirements for fat thickness and fat color. Based on previously collected data, it was estimated that under present feeding practices about 20 percent of the beef with slight marbling would fail to qualify for Choice if a minimum fat thickness of 0.3 inch were required. On the same basis it was estimated that 25–35 percent of the beef with slight marbling would be below the midpoint slight requirement. These factors indicated that requiring typical slight marbling in A maturity for Choice would provide beef with slightly lower, although not significantly different, palatability than beef currently graded Choice (Table 2) and result in only a slightly lower percentage of cattle

qualifying for Choice than would the various recommendations for decreasing the marbling requirements for the Choice grade. This proposal should allow feeders an opportunity to produce leaner cattle more efficiently and provide greater marketing flexibility while avoiding the application problems associated with fat thickness and color requirements. Further, it should provide consumers with Choice beef which closely maintains the palatability levels associated with the present Choice grade.

Several groups proposed that all beef in A and B maturities that failed to meet the minimum requirements for Choice should be graded Good. They contended that this would give consumers a supply of a leaner, less costly alternative grade of beef which, because of its youthfulness, would still be fairly acceptable in palatability. Analysis of the palatability data, however, indicated that the palatability of beef that was practically devoid of marbling was of borderline acceptability in A maturity and generally unacceptable in all other maturity groups. Therefore, it was determined that in order to qualify for the Good grade, beef should have at least minimum traces of marbling. In the 1975 beef grade revision the Good grade was narrowed in the hope that it would be used to identify fed beef of acceptable palatability that lacked the marbling needed to qualify for Choice. By increasing the minimum requirements for Good, most of the lightweight beef that had previously been marketed as Good in some areas of the country was excluded from the grade. The intended use of the Good grade to identify heavier beef with slight marbling did not materialize. Lowering the minimum marbling requirement for Good to traces would return this grade to essentially where it was before the 1975 changes, and it could once again be used to identify lightweight beef. These proposed changes would result in a grade which, although it is significantly lower in palatability than the present Good grade (Table 2), still excludes the least desirable youthful beef and provides an adequate supply of an acceptable and leaner alternative to Choice with less variation in palatability within the grade than the alternatives which were proposed to the Department.

It is proposed that the Standard grade be eliminated and that all carcasses which fail to meet the minimum quality requirements for the Good grade be graded Utility. The palatability of those carcasses that would fail to meet the proposed Good requirements would be essentially equal to or lower than that of beef in C maturity that qualifies for Utility. Although it is recognized that these are youthful carcasses, it does not appear that there would be sufficient numbers to justify a separate grade to identify maturity but not palatability differences.

The principle of requiring the same minimum amount of marbling for each grade throughout A maturity was adopted in 1975. This principle is based on the concept that within this very young age category increases in marbling are not necessary to offset increases in maturity. The change was based on the best research available at that time and has since been supported by additional research, including the 1975 USDA study. Under the present standards, increased marbling is required to offset increases in maturity beyond A maturity. For each grade the marbling requirement increases one full degree across the width of B maturity. While the flat line marbling requirements in A maturity have been supported by recent research, the USDA data indicated that an increase of one marbling degree in B maturity was not sufficient to offset the decreased palatability associated with more advanced maturity, especially in conjunction with the reduced marbling requirements proposed in A maturity. For example, in Table 1 the palatability score for moderate marbling in A maturity is 5.93. To achieve a similar score in B maturity requires an increase in marbling to moderately abundant. Analysis indicated that the carcasses in the oldest third of B maturity were especially lower and more variable in palatability. Thus it was determined that across the width of B maturity an increase of two degrees of marbling should be required in order to maintain palatability essentially equivalent to that of A maturity in each grade. It is recognized that only a very small percentage of the cattle marketed fall into this maturity group. However, the additional increase in marbling requirements in B maturity will help to assure that the palatability levels associated with Prime, Choice, and Good are maintained.

In 1973, the official standards were revised to provide quality grades for beef from young bulls. Interest in such grades stemmed primarily from earlier research which showed that young bulls were superior to steers in efficiency and rate of feedlot gain and from a belief by many that requiring such beef to be identified as "Bull" was a deterrent to its acceptance. Research comparing the palatability of beef from steers with beef from young bulls has generally shown that, on the average, steer beef is slightly more palatable and is less variable in palatability than beef from young bulls. Therefore, the bullock class designation has been required as part of the official grade designation when this beef is officially graded. Since the requirements for the various grades of bullock beef have been the same as the requirements for the same grades of steer, heifer, and cow beef, it is proposed that the quality grade requirements for bullock carcasses be changed to be the same as those proposed for steer, heifer, and cow carcasses in A maturity (Figure D). Bullock beef, can be produced efficiently and provides a leaner product which consumers desire. This change should allow slightly more bullock beef to qualify for Prime and Choice and yet have little or no effect on the palatability of bullock beef in either grade.

In brief, the official U.S. standards for quality grades of carcass beef would be revised as follows: (1) The minimum amount of marbling required for steer, heifer, and cow beef in A maturity to quality for Prime, Choice, and Good would be reduced to minimum moderate, typical slight, and minimum traces, respectively; (2) An increase of two degrees of marbling would be required to offset increases in maturity across the width of B maturity; (3) Beef in A and B maturities failing to meet the minimum requirements for Good would be graded Utility; and (4) The quality grade requirements for bullock beef would be changed to be the same as those proposed for steer, heifer, and cow beef in A maturity. The relationship between marbling, maturity, and carcass quality grade for the present and proposed standards is shown, respectively, in Figure A and Figure D. Also, a comparison of the palatabilities of the present and proposed grades is shown in Table 2.

Yield Grade Standards

Among the grade changes implemented in 1975 was the requirement that all beef graded be indentified for both quality grade and yield grade. When the yield grades were adopted in 1965, the user of the grading service had the option of identifying beef for quality grade only, yield grade only, or both quality grade and yield grade. Meat packers, who opposed the change in 1975, have cited various problems with the current requirements and petitioned the Department to return to the previous requirements, allowing users the option of identifying quality grades, yield grades, or both.

The basic position of meat packers on yield grading was presented in a letter from the American Meat Institute (AMI) to the USDA on June 3, 1981. The AMI recommendations included: "1. Assignment of yield grades for beef carcasses should be returned to a voluntary option for users of the service. 2. Revise yield grade formula to allow removal of kidney, pelvic, and heart fat from the hot carcass. 3. Make allowances in the standards for other fats to be trimmed from the hot carcass prior to yield grading."

A major reason cited for wanting to return to optional yield grading is that the present regulation prevents meat packers from trimming excess external fat and kidney fat from beef carcasses. The packers contend that removal of such fat at the time of slaughter would result in significant savings of energy required for chilling fat and of labor for removing chilled fat. Fat removed at the time of slaughter would also likely have a higher salvage value than fat removed later. The current standards do allow removal of kidney, pelvic, and heart (KPH) fat prior to grading and actually encourage such a practice by reflecting the lower total fatness in the yield grade assigned. However, carcasses graded after KPH fat removal do have the grade indentification applied differently to allow them to be distinguished from carcasses graded with KPH fat intact, because KPH fat removal affects the relative yields between hindquarters and forequarters.

Removal of external fat prior to grading has not been allowed, despite the benefits, because of the potential effect of such trimming on the ability of graders to evaluate trimmed carcasses properly and the effect of trimming on the accuracy of yield grades in reflecting carcass yields. In the determination of yield grades, KPH fat is evaluated independently of external fat and relates directly to the amount of fat observed in specific places in the carcass. Thus, the amount of KPH fat present is easier to discern than the amount of external fat. External fat evaluation is based on a measured thickness of fat at a specific point and is largely dependent upon a constant relationship between that measurement and the amount of fat on other parts of the carcass. Trimming of fat would alter these relationships and could affect the accuracy of the yield grades as measures of carcass yields. Unless graders can be trained to recognize and account for fat variation due to trimming it will not be possible to grade trimmed carcasses accurately. Since no information has been available to ascertain whether graders can accurately evaluate trimmed carcasses, a study was recently initiated by USDA to provide such information. Analysis of the data is underway, and preliminary results indicate that further study may be necessary. However, final results of the study are not yet available.

The AMI also addressed the voluntary nature of grading, claiming that the current grade requirements amount to "mandatory yield grading" and are contrary to the intent of the Agricultural Marketing Act of 1946. Under the Agricultural Marketing Act of 1946, the Secretary of Agriculture is directed and authorized to develop and improve standards of quality, condition, quantity, grading, and packaging, and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices. The Act specifically provides that no one is required to use the services, but that the Secretary has the authority to determine what the grade shall consist of if the grading service is used. In the case of beef, both quality and yield designations are considered to be integral parts of the grade and must be identified when beef is graded.

Between 1965 and 1975 yield grades came to be widely recognized as reliable indicators of an important value determining consideration (the expected yield of trimmed retail cuts to be derived from a carcass). Also, by 1975 a large amount of beef, including most of that which qualified for Yield Grades 1, 2, and 3, was voluntarily being identified for yield grade. Thus, the main effect of the 1975 change was to require identification of yield grades on graded carcasses in Yield Grades 4 and 5.

Prior to the 1975 grade changes, meat packers were among the leaders in calling for revisions of the beef quality grade standards. Among the changes they advocated was the elimination of conformation as a quality grade factor. Research had established that comformation made little or no contribution to the prediction of palatability, but it was believed that conformation was related to carcass cutability and was, therefore, a useful value determining consideration when beef was not yield graded. It was recognized, however, that the yield grades could do a much better job of reflecting cutability than could conformation. Thus, it was felt in 1975 that the identification or yield grade plus quality grade was a much better reflection of true carcass value than identifcation of only a quality grade that included conformation or only a yield grade.

By 1975 many beef purchasers had come to recognize the value of yield grades and frequently specified that beef they received be Yield Grade 3 or better. Thus discounts developed for beef in Yield Grades 4 and 5 and small premiums were sometimes paid for Yield Grades 1 and 2. Cattle producers were also interested in having all beef identified for yield grade in hopes that the true value differences between grades would be reflected through the marketing channels. They felt that this should encourage the production of leaner beef, which they believed consumers wanted.

Prior to 1975, the discounts for Yield Grades 4 and 5 beef, were much less than estimated value differences; since 1975, they have increased to often equal or even exceed the expected value differences. However, the premiums paid for Yield Grades 1 and 2 have not increased accordingly. It is unlikely that these price spreads would be altered significantly if beef were again allowed to be identified for quality grade only. Most large volume beef purchasers recognize the value of yield grades and would probably continue to insist on beef graded Yield Grade 3 or better. From past experience, they would assume that any beef not identified for yield grade would be in Yield Grades 4 and 5, and they would refuse to accept it or would accept it only at a discount. It is this segment of the beef population (Yield Grades 4 and 5) that packers contend can be merchandized more effectively without yield grades. The Department is concerned that the optional use of yield grading would cause the grades to be less descriptive on the important factor of carcass yield, and might work to the disadvantage of some small-volume purchasers who were unaware of the regulations regarding grading.

There are several arguments for returning the option of having graded beef identified for yield grade to the users of the grading service. The potential benefits of external fat trimming, which is currently prohibited if the beef is to be graded, are especially strong in this regard. However, the Department believes that the benefits of universal identification of graded beef for yield grade still outweigh these considerations. The Department will continue to seek ways to grade carcasses accurately that have had external fat trimmed. Consideration will also be given to other suggested changes in the yield grades. These include: (1) Requiring KPH fat removal prior to grading or changing the evaluation of KPH fat, (2) Revising the basic yield

grade equation, (3) Reducing the number of yield grade factors or using new yield grade factors, and (4) Changing the number of yield grades used. At this time no changes are being proposed for the beef carcass yield grade standards.

The standards for grades of slaughter cattle, which are based on the beef carcass grade standards, would be revised to reflect the changes proposed for the beef carcass grade standards.

For the reasons outlined, it is proposed that certain sections of the regulations and standards appearing at 7 CFR Part 2853 (formerly Part 53) as they relate to meats, prepared meats, and meat products, and certain sections of the regulations and standards appearing at 7 CFR Part 53 as they relate to livestock, be revised as set forth below.

PART 2853—MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)

1. The authority citation for Part 2853 reads as follows:

Authority: Agricultural Marketing Act of 1946, sec. 203, 205, as amended; 60 Stat. 1087, 1090, as amended (7 U.S.C. 1622 and 1624)

2. 7 CFR 2853.102–2853.107 are revised to read as follows:

Note.—In this document, new or revised text is enclosed by arrows (► ◄). This proposed revision of the subpart also corrects typographical errors.

Carcass Beef

§ 2853.102 Scope.

These standards for grades of beef are written primarily in terms of carcasses. However, they also are applicable to the grading of sides. To simplify phrasing of the standards, the words "carcass" and "carcasses" are used to also mean "side" or "sides."

§ 2853.103 Classes of beef carcasses.

(a) Class determination of beef carcasses is based on evidences of maturity and apparent sex condition at the time of slaughter. The classes of beef carcasses are steers, bullocks, bulls, heifers, and cows. Carcasses from males—steers, bullocks, and bulls—are distinguished from carcasses from females—heifers and cows—as follows:

(1) Steer, bullock, and bull carcasses have a "pizzle muscle" (attachment of the penis) and related "pizzle eye" adjacent to the posterior end of the aitchbone.

(2) Steer, bullock, and bull carcasses have, if present, rather rough, irregular fat in the region of the cod. In heifer and cow carcasses, the fat in this region, if present, is much smoother.

(3) In steer, bullock, and bull carcasses, the area of lean exposed immediately ventral to the aitchbone is much smaller than in heifer and cow carcasses.

(b) Steer, bullock, and bull carcasses are distinguished by the following:

(1) In steer carcasses, the "pizzle muscle" is relatively small, light red in color, and fine in texture and the related "pizzle eye" is relatively small.

(2) In bullock and bull carcasses, the "pizzle muscle" is relatively large, dark red in color, and coarse in texture and the related "pizzle eye" is relatively large.

(3) Bullock and bull carcasses usually have a noticeable crest.

(4) Bullock and bull carcasses also usually have a noticeably developed small round muscle adjacent to the hipbone commonly referred to as the "jump muscle." However, in carcasses with a considerable amount of external fat, the development of this muscle may be obscured.

(5) Although the development of the secondary sex characteristics is given primary consideration in distinguishing steer carcasses from bullock or bull carcasses, this differentiation is also facilitated by consideration of the color and texture of the lean. In bullock and bull carcasses, the lean is frequently at least dark red in color with a dull, "muddy" appearance—and in some cases it may have an iridescent sheen. Also, it frequently has an "open" texture.

(6) The distinction between bullock and bull carcasses is based solely on their evidences of skeletal maturity. Carcasses with the maximum maturity permitted in the bullock class have slightly red and slightly soft chine bones, and the cartilages on the ends of the thoracic vertebrae have some evidence of ossification; the sacral vertebrae are completely fused; the cartilages on the ends of the lumbar vertebrae are nearly competely ossified; and the rib bones are slightly wide and slightly flat. Bull carcasses have evidences of more advanced maturity.

(c) Heifer and cow carcasses are distinguished by the following:

(1) Heifer carcasses have a relatively small pelvic cavity and a slightly curved aitchbone. In cow carcasses, the pelvic cavity is relatively large and the aitchbone is nearly straight.

(2) In heifer carcasses, the udder usually will be present. In cow carcasses, the udder usually will have been removed. However, neither of these are requirements.

§ 2853.104 Application of standards for grades of carcass beef.

(a) The grade of a steer, heifer, cow, or bullock carcass consists of separate evaluations of two general considerations: (1) The indicated yield of closely trimmed (½ inch fat or less), boneless retail cuts expected to be derived from the major wholesale cuts (round, sirloin, short loin, rib, and square-cut chuck) of a carcass, herein referred to as the "yield grade," and (2) Characteristics of the meat which predict the palatability of the lean, herein referred to as the "quality grade." The grade of a bull carcass consists of the yield grade only. When officially graded, the grade of a steer, heifer, cow, or bullock carcass consists of both the quality grade and the yield grade. The yield grade designation may be removed from officially graded beef carcasses, sides, quarters, wholesale cuts, or combinations of wholesale cuts on which the external fat (natural or trimmed) does not exceed ¾ inch in thickness. For purposes of these regulations, wholesale cuts, or combinations thereof, which can qualify for yield grade designation removal are: round, sirloin, short loin, rib, square-cut chuck, shank, brisket, plate, and flank. The yield grade designation may be removed from all other cuts without trimming of external fat. In instances where removal of the yield grade designation is permitted, the USDA grade may consist of the quality grade designation only.

(b) The carcass beef grade standards are written so that the quality grade and yield grade standards are contained in separate sections. The quality grade section is divided further into two separate sections applicable to carcasses from: (1) Steers, heifers, and cows, and (2) bullocks. ►Seven quality grade desinations—Prime, Choice, Good, Commercial, Utility, Cutter, and Canner—are applicable to steer and heifer carcasses.◄ Except for Prime, the same designations apply to cow carcasses. ►The quality grade designations for bullock carcasses are Prime, Choice, Good, and Utility.◄ There are five yield grades applicable to all classes of beef, denoted by numbers 1 through 5, with Yield Grade 1 representing the highest ►yield of trimmed retail cuts.◄

(c) When officially graded, bullock and bull beef will be further identified for its sex condition; steer, heifer, and cow beef will not be so identified. The designated grades of bullock beef are not necessarily comparable in quality or cutability with a similarly designated grade of beef from steers, heifers, or

cows. Neither is the cutability of a designated yield grade of bull beef necessarily comparable with a similarly designated yield grade of steer, heifer, cow, or bullock beef.

(d) The Department uses photographs and other objective aids in the correct interpretation and application of the standards.

(e) To determine the grade of a carcass, it must be split down the back into two sides and one or both sides must be partially separated into a hindquarter and forequarter by cutting it with a saw and knife insofar as practicable, as follows: A saw cut perpendicular to both the long axis and split surface of the vertebral column is made across the 12th thoracic vertebra at a point which leaves not more than one-half of this vertebra on the hindquarter. The knife cut across the ribeye muscle starts—or terminates—opposite the above-described saw cut. From that point it extends across the ribeye muscle perpendicular to the outside skin surface of the carcass at an angle toward the hindquarter which is slightly greater (more nearly horizontal) than the angle made by the 13th rib with the vertebral column of the hindquarter posterior to that point. As a result of this cut, the outer end of the cut surface of the ribeye muscle is closer to the 12th rib than is the end next to the chine bone. Beyond the ribeye, the knife cut shall continue between the 12th and 13th ribs to a point which will adequately expose the distribution of fat and lean in this area. The knife cut may be made prior to or following the saw cut but must be smooth and even, such as would result from a single stroke of a very sharp knife.

(f) Other methods of ribbing may prevent an accurate evaluation of the grade determining characteristics. Therefore, carcasses ribbed by other methods will be eligible for grading only if an accurate grade determination can be made by the official grader under the standards.

(g) Beveling of the fat over the ribeye, application of pressure, or any other influences which may alter the characteristics of the ribeye or the thickness of fat over the ribeye prevent an accurate grade determination. Therefore, carcasses subjected to such influences shall not be eligible for a grade determination, and the presentation of such carcasses for an official grade determination shall be considered a fraudulent or deceptive practice in connection with the services requested for such carcasses. Carcasses that have had external fat removed in trimming for Federal meat inspection compliance may be graded only if the official grader determines that an accurate grade determination can be made. Although entire carcasses with more than minor amounts of lean removed from the major wholesale cuts (round, sirloin, short loin, rib, or square-cut chuck) shall not be eligible for a grade determination, the remaining portions of these carcasses which are unaffected by the removal of lean shall remain eligible for a grade determinatjon provided a cross section at the 12th–13th rib is available and an accurate grade determination may be made.

(h) When both sides of a carcass have been ribbed prior to presentation for grading and the characteristics of the two ribeyes (area, marbling, color, texture, and firmness) would justify different quality and/or yield grades, the final grade of the carcass shall reflect the "highest" of each of these grades as determined from either side.

(i) To meet the demand of export trade or changing trade practices, grading of carcasses ribbed other than between the 12th and 13th ribs may be approved by the Director. In such cases, grading shall be based on the requirements specified in these standards and shall be consistent with the normal development of grade characteristics in various parts of a carcass of the quality level involved. When an exception is granted for export trade, such carcasses shall be identified with the word "EXPORT" in such a manner that will clearly distinguish them from other officially graded beef.

(j) Carcasses qualifying for any particular grade may vary with respect to their relative development of the various grade factors. There will be carcasses that qualify for a particular grade, some of whose characteristics may be more nearly typical of another grade. For example, in comparison with the descriptions of maturity contained in the standards, a particular carcass might have a greater relative degree of ossification of the cartilages on the ends of its lumbar vetebrae than its other evidences of maturity. In such instances, the maturity of the carcass is not determined solely by the ossification of the lumbar vertebrae but neither is this ignored. All of the maturity-indicating factors are considered. In making any composite evaluation of two or more factors, it must be remembered that they seldom are developed to the same degree. Because it is impractical to describe the nearly limitless number of recognizable combinations of characteristics, the standards for each quality grade and yield grade describe only beef which has a relatively similar degree of development of the various factors affecting its quality and yield. Also, the quality grade and yield grade standards each describe beef which is representative of the lower limits of each quality grade and yield grade.

(k) For steer, heifer, and cow beef, quality of the lean is evaluated by considering its marbling and firmness as observed in a cut surface in relation to carcass evidences of maturity. The maturity of the carcass is determined by evaluating the size, shape, and ossification of the bones and cartilages—especially the split chine bones—and the color and texture of the lean flesh. In the split chine bones, ossification changes occur at an earlier stage of maturity in the posterior portion of the vertebral column (sacral vertebrae) and at progressively later stages of maturity on the lumbar and thoracic vertebrae. The ossification changes that occur in the cartilages on the ends of the split thoracic vertebrae are especially useful in evaluating maturity and these vertebrae are referred to frequently in the standards. Unless otherwise specified in the standards, whenever reference is made to the ossification of cartilages on the thoracic vertebrae, this shall be construed to refer to cartilages attached to the thoracic vertebrae at the posterior end of the forequarter. The size and shape of the rib bones also are important considerations in evaluating differences in maturity. In the very youngest carcasses considered as "beef," the cartilages on the end of the chine bones show no ossification, cartilage is evident on all of the vertebrae of the spinal column, and the sacral vertebrae show distinct separation. In addition, the split vertebrae usually are soft and porous and very red in color. In such carcasses, the rib bones have only a slight tendency toward flatness. In progressively more mature carcasses, ossification changes become evident first in the bones and cartilages of the sacral vertebrae, then in the lumbar vertebrae, and still later in the thoracic vertebrae. In beef of very advanced maturity, all the split vertebrae will be devoid of red color, very hard and flinty, and the cartilages on the ends of all the vertebrae will be entirely ossified. Likewise, with advancing maturity, the rib bones will become progressively wider and flatter until in very mature beef the ribs will be very wide and flat.

(l) In steer, heifer, and cow beef, the color and texture of the lean flesh also undergo progressive changes with advancing maturity. In the very youngest carcasses considered as "beef," the lean flesh will be very fine in

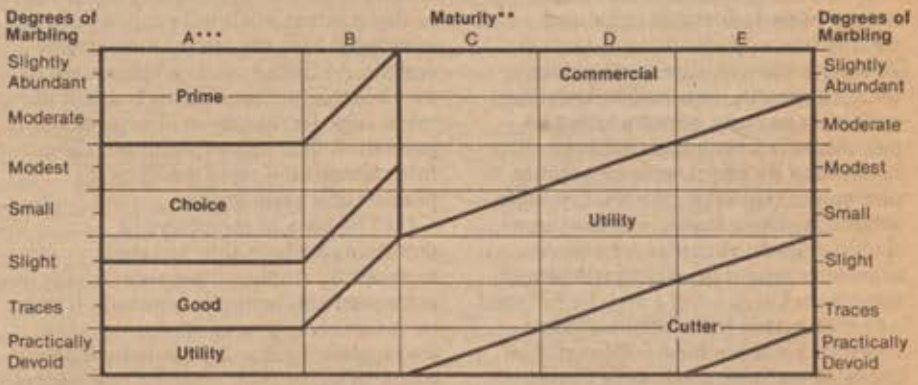
texture and light grayish red in color. In progressively more mature carcasses, the texture of the lean will become progressively coarser and the color of the lean will become progressively darker red. In very mature beef, the lean flesh will be very coarse in texture and very dark red in color. Since color of lean also is affected by variations in quality, references to color of lean in the standards for a given degree of maturity vary slightly with different levels of quality. In determining the maturity of a carcass in which the skeletal evidences of maturity are different from those indicated by the color and texture of the lean, slightly more emphasis is placed on the characteristics of the bones and cartilages than on the characteristics of the lean. In no case can the overall maturity of the carcass be considered more than one full maturity group different from that indicated by its bones and cartilages.

(m) The preceding two paragraphs also are applicable to the determination of quality in bullock beef except for carcasses having darker colors of lean than specified in the standards for the quality level for which they would otherwise qualify. In such carcasses, maturity will be evaluated on the basis of skeletal characteristics only, and the final grade will be determined in accordance with the procedures specified in the standards for grading "dark-cutting beef."

(n) In determining compliance with the maximum maturity limits for the ►Prime, Choice, and Good grades◄ for steer, heifer, and cow carcasses, color and texture of the lean are considered only when the maturity-indicating factors other than color and texture of the lean indicate only a slightly more advanced degree of maturity than that specified as maximum for these grades, and provided further, that the lean is considerably finer in texture and lighter in color than normal for the grade and maturity involved. The same principle, in reverse, is likewise applicable to determining compliance with the minimum maturity limits of the ►Commercial, Cutter, and Canner grades.◄

(o) These standards are applicable to the grading of beef throughout the full range of maturity within which cattle are marketed. However, in steer, heifer, and cow carcasses, the range of maturity permitted within each of the grades varies considerably. ►The Prime, Choice, and Good grades are restricted to beef from young cattle; the Commercial, Cutter, and Canner grades are restricted to beef from cattle too mature for Prime, Choice, and Good; and the utility grade may include beef from animals of all ages.◄ By definiton, bullock carcasses are restricted to those whose evidences of skeletal maturity do not exceed those specified for the juncture of the two youngest maturity groups referenced in the standards for steer, heifer, and cow carcasses. Except for the youngest maturity group, within any specified grade, the requirements for marbling ►increase with◄ evidences of advancing maturity. In the youngest maturity group, the marbling requirements do not ►increase with◄ evidences of advancing maturity. For each grade, the firmness requirements are different for each maturity group, but, within each maturity group, the firmness requirements do not ►increase with◄ evidences of advancing maturity. Also, regardless of the extent to which marbling may exceed the minimum of a grade, a carcass must meet the minimum firmness requirements for its maturity to qualify for that grade. To facilitate the application of these principles, the standards recognize five different maturity groups and seven different degrees of marbling. The five maturity groups are identified in Figure 1 as A, B, C, D, and E, in order of increasing maturity. The limits of these five maturity groups are specified in the grade descriptions for steer, heifer, and cow carcasses. The A maturity portion of the figure is the only portion applicable to bullock carcasses. The degrees of marbling referenced in the specifications, in order of descending quantity are: slightly abundant, moderate, modest, small, slight, traces, and practically devoid. However, for carcass evaluation programs and other purposes, three higher degrees are recognized—moderately abundant, abundant, and very abundant. ►Information on how to obtain illustrations of various degrees of marbling is available from the Department of Agriculture.[1]

Relationship Between Marbling, Maturity, and Carcass Quality Grade*



*Assumes that firmness of lean is comparably developed with the degree of marbling and that the carcass is not a "dark cutter."
**Maturity increases from left to right (A through E).
***The A maturity portion of the Figure is the only portion applicable to bullock carcasses.

Figure 1

(p) The relationship between marbling, maturity, and quality grade is shown in Figure 1. This figure assumes that the firmness of lean is comparably developed with the degree of marbling and that the carcass is not a "dark cutter." From this figure it can be seen, for instance, that the minimum marbling requirement for Choice varies from a ►typical slight◄ amount for carcasses throughout the youngest maturity group to a ►typical modest◄ amount for carcasses having the maximum maturity permitted in Choice. Likewise, in the Commercial grade the minimum marbling requirement varies from a minimum small amount in beef with the

[1] Information concerning such devices may be obtained from the ►Agricultural Marketing Service; Lovestock, Meat, Grain, and Seed Division.◄

minimum maturity permitted to a maximum moderate amount in beef from very mature animals. The marbling and other lean flesh characteristics specified for the various grades are based on their appearance in the ribeye muscle of properly chilled carcasses that are ribbed between the 12th and 13th ribs. For carcass evaluation programs and other purposes, in the Prime and Commercial grades, each additional degree of marbling (up to three) greater than specified as minimum for each of these grades is equal to one-third of a grade of higher quality.

(q) References to color of lean in the standards for steer, heifer, and cow beef involve only colors associated with changes in maturity. They are not intended to apply to colors of lean associated with so-called "dark-cutting beef." Dark-cutting beef is believed to be the result of a reduced sugar content of the lean at the time of slaughter. As a result, this condition does not have the same significance in grading as do the darker shades of red associated with advancing maturity. The dark color of the lean associated with "dark-cutting beef" is present in varying degrees from that which is barely evident to so-called "black cutters" in which the lean is actually nearly black in color and usually has a "gummy" texture. Although there is little or no evidence which indicates that the "dark-cutting" condition has any adverse effect on palatability, it is considered in grading because of its effect on acceptability and value. Depending on the degree to which this characteristic is developed, the final grade of carcasses which otherwise would qualify for the Prime, Choice, or Good grades may be reduced as much as one full grade. ►In beef otherwise eligible for the Commercial grade,◄ the final grade may be reduced as much as one-half of a grade. In the Utility, Cutter, and Canner grades, this condition is not considered.

(r) The yield grade of a beef carcass is determined by considering four characteristics: (1) The amount of external fat, (2) the amount of kidney, pelvic, and heart fat, (3) the area of the ribeye muscle, and (4) the carcass weight.

(s) The amount of external fat on a carcass is evaluated in terms of the thickness of this fat over the ribeye muscle, measured perpendicular to the outside surface at a point three-fourths of the length of the ribeye from its chine bone end. This measurement may be adjusted, as necessary, to reflect unusual amounts of fat on other parts of the carcass. In determining the amount of this adjustment, if any, particular attention is given to the amount of fat in such areas as the brisket, plate, flank, cod or udder, inside round, rump, and hips in relation to the actual thickness of fat over the ribeye. Thus, in a carcass which is fatter over other areas than is indicated by the fat measurement over the ribeye, the measurement is adjusted upward. Conversely, in a carcass which has less fat over the other areas than is indicated by the fat measurement over the ribeye, the measurement is adjusted downward. In many carcasses no such adjustment is necessary; however, an adjustment in the thickness of fat measurement of one-tenth or two-tenths of an inch is not uncommon. In some carcasses a greater adjustment may be necessary. As the amount of external fat increases, the percent of retail cuts decreases—each one-tenth inch change in adjusted fat thickness over the ribeye changes the yield grade by 25 percent of a yield grade.

(t) The amount of kidney, pelvic, and heart fat considered in determining the yield grade includes the kidney knob (kidney and surrounding fat), the lumbar and pelvic fat in the loin and round, and the heart fat in the chuck and brisket area which are removed in making closely trimmed retail cuts. The amount of these fats is evaluted subjectively and expressed as a percent of the carcass weight. As the amount of kidney, pelvic, and heart fat increases, the percent of retail cuts decreases—a change of 1 percent of the carcass weight in these fats changes the yield grade by 20 percent of a yield grade.

(u) The area of the ribeye is determined where this muscle is exposed by ribbing. This area usually is estimated subjectively; however, it may be measured. Area of ribeye measurements may be made by means of a grid calibrated in tenths of a square inch or by other devices designated by the ►Agricultural Marketing Service◄ of the U.S. Department of Agriculture.[1] An increase in the area of ribeye increases the percent of retail cuts—a change of 1 square inch in area of ribeye changes the yield grade by approximately 30 percent of a yield grade.

(v) Hot carcass weight (or chilled carcass weight × 102 percent) is used in determining the yield grade. As carcass weight increases, the percent of retail cuts decreases—a change of 100 pounds in hot carcass weight changes the yield grade by approximately 40 percent of a yield grade.

(w) The standards include a mathematical equation for determining yield grade. This grade is expressed as a whole number; any fractional part of a designation is always dropped. For example, if the computation results in a designation of 3.9, the final grade is 3—it is not rounded to 4.

(x) The yield grade standards for each of the first four yield grades list characteristics of two carcasses of two different weights together with descriptions of the usual fat deposition pattern on various areas of the carcass. These descriptions are not specific requirements—they are included only as illustrations of carcasses which are near the borderlines between groups. For example, the characteristics listed for Yield Grade 1 represent carcasses which are near the borderline of Yield Grades 1 and 2. These descriptions facilitate the subjective determination of the yield grade without making detailed measurements and computations. The yield grade for most beef carcasses can be determined accurately on the basis of a visual appraisal.

§ 2853.105 Specifications for official United States standards for grades of carcass beef (yield).

(a) The yield grade of a beef carcass is determined on the basis of the following equation: Yield grade = 2.50 + (2.50 × adjusted fat thickness, inches) + (0.20 × percent kidney, pelvic, and heart fat) + (0.0038 × hot carcass weight, pounds) − (0.32 × area of ribeye, square inches).

(b) The following descriptions provide a guide to the characteristics of carcasses in each yield grade to aid in determining yield grades subjectively.

(1) *Yield Grade 1.* (i) A carcass in Yield Grade 1 usually has only a thin layer of external fat over the ribs, loins, rumps, and clods and slight deposits of fat in the flanks and cod or udder. There is usually a very thin layer of fat over the outside of the rounds and over the tops of the shoulders and necks. Muscles are usually visible through the fat in many areas of the carcass.

(ii) A 500-pound carcass of this yield grade which is near the borderline of Yield Grades 1 and 2 might have three-tenths inch of fat over the ribeye, 11.5 square inches of ribeye, and 2.5 percent of its weight in kidney, pelvic, and heart fat.

(iii) An 800-pound carcass of this yield grade which is near the borderline of Yield Grades 1 and 2 might have four-tenths inch of fat over the ribeye, 16.0 square inches of ribeye, and 2.5 percent of its weight in kidney, pelvic, and heart fat.

(2) *Yield Grade 2.* (i) A carcass in Yield Grade 2 usually is nearly completely covered with fat but the lean is plainly visible through the fat over the outside of the rounds, the tops of the

shoulders, and the necks. There usually is a slightly thin layer of fat over the loins, ribs, and inside rounds and the fat over the rumps, hips, and clods usually is slightly thick. There are usually small deposits of fat in the flanks and cod or udder.

(ii) A 500-pound carcass of this yield grade which is near the borderline of Yield Grades 2 and 3 might have five-tenths inch of fat over the ribeye, 10.5 square inches of ribeye, and 3.5 percent of its weight in kidney, pelvic, and heart fat.

(iii) An 800-pound carcass of this yield grade which is near the borderline of Yield Grades 2 and 3 might have six-tenths inch of fat over the ribeye, 15.0 square inches of ribeye, and 3.5 percent of its weight in kidney, pelvic, and heart fat.

(3) *Yield Grade 3.* (i) A carcass in Yield Grade 3 usually is completely covered with fat and the lean usually is visible through the fat only on the necks and the lower part of the outside of the rounds. There usually is a slightly thick layer of fat over the loins, ribs, and inside rounds and the fat over the rumps, hips, and clods usually is moderately thick. There usually are slightly large deposits of fat in the flanks and cod or udder.

(ii) A 500-pound carcass of this yield grade which is near the borderline of Yield Grades 3 and 4 might have seven-tenths inch of fat over the ribeye, 9.5 square inches of ribeye, and 4.0 percent of its weight in kidney, pelvic, and heart fat.

(iii) An 800-pound carcass of this yield grade which is near the borderline of Yield Grades 3 and 4 might have eight-tenths inch of fat over the ribeye, 14.0 square inches of ribeye, and 4.5 percent of its weight in kidney, pelvic, and heart fat.

(4) *Yield Grade 4.* (i) A carcass in Yield Grade 4 usually is completely covered with fat. The only muscles usually visible are those on the shanks and over the outside of the plates and flanks. There usually is a moderately thick layer of fat over the loins, ribs, and inside rounds and the fat over the rumps, hips, and clods usually is thick. There usually are large deposits of fat in the flanks and cod or udder.

(ii) A 500-pound carcass of this yield grade which is near the borderline of Yield Grades 4 and 5 might have one inch of fat over the ribeye, 9.0 square inches of ribeye, and 4.5 percent of its carcass weight in kidney, pelvic, and heart fat.

(iii) An 800-pound carcass of this yield grade which is near the borderline of Yield Grades 4 and 5 might have one and one-tenth inch of fat over the ribeye, 13.5 square inches of ribeye, and 5.0 percent of its weight in kidney, pelvic, and heart fat.

(5) *Yield Grade 5.* A carcass in Yield Grade 5 usually has more fat on all of the various parts, a smaller area of ribeye, and more kidney, pelvic, and heart fat than a carcass in Yield Grade 4.

§ 2853.106 Specifications for official United States standards for grades of carcass beef (quality-steer, heifer, cow).

(a) *Prime.* (1) Depending on their degree of maturity, beef carcasses possessing the minimum requirements for the Prime grade vary in their other indications of quality as evidenced in the ribeye muscle. Minimum quality characteristics are described for two maturity groups, which cover the entire range of maturity permitted in the Prime grade.

(2) Carcasses in the younger group range from the youngest that are eligible for the beef class to those at the juncture of the two maturity groups, which have slightly red and slightly soft chine bones and cartilages on the ends of the thoracic vertebrae that have some evidence of ossification. In addition, the sacral vertebrae are completely fused and the cartilages on the ends of the lumbar vertebrae are nearly completely ossified. The rib bones are slightly wide and slightly flat and the ribeye muscle is light red in color and is fine in texture. In carcasses throughout the range of maturity included in this group, a minimum ►moderate◄ amount of marbling is required (see Figure 1) and the ribeye muscle is moderately firm.

(3) Carcasses in the older group range from those described above as representative of the juncture of the two groups to those at the maximum maturity permitted in the Prime grade, which have chine bones tinged with red and cartilages on the ends of the thoracic vertebrae that are partially ossified. In addition, the sacral vertebrae are completely fused, the cartilages on the ends of the lumbar vertebrae are completely ossified, and the cut surface of the lean tends to be fine in texture. The minimum degree of marbling required increases with advancing maturity throughout this group from minimum ►moderate◄ to maximum slightly abundant (see Figure 1) and the ribeye muscle is firm.

(4) ►Cow beef◄ is not eligible for the Prime grade.

(b) *Choice.* (1) Depending on their degree of maturity, beef carcasses possessing the minimum requirements for the Choice grade vary in their other indications of quality as evidenced in the ribeye muscle. Minimum quality characteristics are described for two maturity groups, which cover the entire range of maturity permitted in the Choice grade.

(2) Carcasses in the younger group range from the youngest that are eligible for the beef class to those at the juncture of the two maturity groups, which have slightly red and slightly soft chine bones and cartilages on the ends of the thoracic vertebrae that have some evidence of ossification. In addition, the sacral vertebrae are completely fused and the cartilages on the ends of the lumbar vertebrae are nearly completely ossified. The rib bones are slightly wide and slightly flat and the ribeye muscle is moderately light red in color and is fine in texture. In carcasses throughout the range of maturity included in this group, a ►typical slight◄ amount of marbling is required (see Figure 1) and the ribeye muscle may be slightly soft.

(3) Carcasses in the older group range from those described above as representative of the juncture of the two groups to those at the maximum maturity permitted in the Choice grade, which have chine bones tinged with red and cartilages on the ends of the thoracic vertebrae that are partially ossified. In addition, the sacral vertebrae are completely fused, the cartilages on the ends of the lumbar vertebrae are completely ossified, and the cut surface of the lean tends to be fine in texture. The minimum degree of marbling required increases with advancing maturity throughout this group from a ►typical slight amount to a typical modest◄ amount (see Figure 1) and the ribeye muscle is slightly firm.

(c) *Good.* (1) Depending on their degree of maturity, beef carcasses possessing the minimum requirements for the Good grade vary in their other indications of quality as evidenced in the ribeye muscle. Minimum quality characteristics are described for two maturity groups, which cover the entire range of maturity permitted in the Good grade.

(2) Carcasses in the younger group range from the youngest that are eligible for the beef class to those at the juncture of the two maturity groups, which have slightly red and slightly soft chine bones and cartilages on the ends of the thoracic vertebrae that have some evidence of ossification. If addition, the sacral vertebrae are completely fused and the cartilages on the ends of the lumbar vertebrae are nearly completely ossified. The rib bones are slightly wide and slightly flat and the ribeye muscle is slightly ►dark◄ red in color and is fine in texture. In carcasses throughout the range of maturity included in this group,

►a minimum traces amount of marbling is required (see Figure 1) and the ribeye may be soft.◄

(3) Carcasses in the older group range from those described above as representative of the juncture of the two groups to those at the maximum maturity permitted in the Good grade, which have chine bones tinged with red and cartilages on the ends of the thoracic vertebrae that are partially ossified. In addition, the sacral vertebrae are completely fused, the cartilages on the ends of the lumbar vertebrae are completely ossified, and the cut surface of the lean tends to be fine in texture. The minimum degree of marbling required increases with advancing maturity throughout this group from a ►minimum traces◄ amount to a maximum slight amount (see Figure 1) and the ribeye muscle may be ►moderately soft.◄

►(d) *Commercial.* (1) Depending on their degree of maturity, beef carcasses possessing the minimum requirements for the Commercial grade vary in their other indications of quality as evidenced in the ribeye muscle. Commercial grade beef carcasses are restricted to those with evidences of more advanced maturity than permitted in the Good grade. Thus, three maturity groups are recognized.◄ Minimum quality characteristics are described for the youngest and the most mature of these groups. The requirements for the intermediate group are determined by interpolation between the requirements indicated for the two groups described.

(2) Carcasses in the youngest group permitted in the Commercial grade range from those with indications of maturity barely more advanced than described as maximum for the ►Good◄ grade to those with moderately hard, rather white chine bones and with cartilages on the ends of the thoracic vertebrae that show considerable ossification but the outlines of the cartilages are still plainly visible. In addition, the rib bones are moderately wide and flat and the ribeye muscle is moderately dark red and slightly coarse in texture. The minimum degree of marbling required increases with advancing maturity throughout this group from a minimum small amount to a maximum small amount (see Figure 1) and the ribeye muscle is slightly firm.

(3) The youngest carcasses in the most mature group included in the Commercial grade have hard, white chine bones and the outlines of the cartilages on the ends of the thoracic vertebrae are barely visible, the rib bones are wide and flat, and the ribeye muscle is dark red and coarse in texture. The range in maturity in this group extends to include carcasses from the oldest animals marketed. The minimum degree of marbling required increases with advancing maturity throughout this group from a minimum moderate amount to a maximum moderate amount (see Figure 1) and the ribeye muscle is firm.

►(e)◄ *Utility.* (1) Depending on their degree of maturity, beef carcasses possessing the minimum requirements for the Utility grade vary in their other indications of quality as evidenced in the ribeye muscle. Carcasses within the full range of maturity classified as beef are included in the Utility grade. Thus, five maturity groups are recognized. ►Minimum quality requirements are described for two of these groups—the third or intermediate and the fifth or the most mature. The requirements for the fourth maturity group are determined by interpolation between the requirements described for the adjoining groups. In the first and second maturity groups, only those carcasses that are inferior to the minimum requirements for the Good grade are included in the Utility grade.◄

►(2)◄ Carcasses in the third or intermediate maturity group range from those with indications of maturity barely more advanced than described as maximum for the ►Good◄ grade to those with moderately hard; rather white chine bones and with cartilages on the ends of the thoracic vertebrae that show considerable ossification but the outlines of the cartilages are still plainly visible. In addition, the rib bones are moderately wide and flat and the ribeye muscle is dark red in color and slightly coarse in texture. The minimum degree of marbling required increases with advancing maturity throughout this group from minimum practically devoid to maximum practically devoid (see Figure 1) and the ribeye muscle may be moderately soft.

►(3)◄ The youngest carcasses in the fifth or oldest maturity group have hard, white chine bones and the outlines of the cartilages on the ends of the thoracic vertebrae are barely visible, the rib bones are wide and flat, and the ribeye muscle is very dark red in color and coarse in texture. The range in maturity in this group extends to include carcasses from the oldest animals marketed. The minimum degree of marbling required increases with advancing maturity throughout this group from a minimum slight amount to a maximum slight amount (see Figure 1) and the ribeye muscle is slightly firm.

►(f) *Cutter.* (1) Depending on their degree of maturity, beef carcasses possessing the minimum requirements for the Cutter grade vary in their other indications of quality as evidenced in the ribeye muscle. Cutter grade beef carcasses are restricted to those with evidences of more advanced maturity than permitted in the Good grade. Thus, three maturity groups are recognized. Minimum quality requirements are described for the youngest and the most mature of the groups. The requirements for the intermediate group are determined by interpolation between the requirements indicated for the two adjoining groups described.

(2) Carcasses in the first or youngest maturity group permitted in the Cutter grade range from those with indications of maturity barely more advanced than described as maximum for the Good grade◄ to those with moderately hard, rather white chine bones and with cartilages on the ends of the thoracic vertebrae that show considerable ossification but the outlines of the cartilages are still plainly visible. In addition, the rib bones are moderately wide and flat and the ribeye muscle is dark red in color and slightly coarse in texture. In carcasses throughout the range of maturity included in this group, the ribeye muscle is devoid of marbling and may be soft and watery.

►(3) The youngest carcasses in the most mature group included in the Cutter grade◄ have hard, white chine bones and the outlines of the cartilages on the ends of the thoracic vertebrae are barely visible, the rib bones are wide and flat, and the ribeye muscle is very dark red in color and coarse in texture. The range in maturity in this group extends to include carcasses from the oldest animals marketed. The minimum degree of marbling required increases with advancing maturity throughout this group from minimum practically devoid to maximum practically devoid (see Figure 1) and the ribeye muscle is soft and slightly watery.

►(g)◄ *Canner.* The Canner grade includes only those steer, heifer, and cow carcasses that are inferior to the minimum requirements specified for the Cutter grade.

§ 2853.107 Specifications for Official United States Standards for Grades of Carcass Beef (Quality-Bullock).

(a) *Prime.* For the Prime grade, the minimum degree of marbling required is a ►minimum moderate◄ amount for carcasses throughout the range of maturity permitted in the bullock class ►(see Figure 1).◄ The ribeye muscle is moderately firm and, in carcasses having maximum maturity for this class, the ribeye is light red in color.

(b) *Choice.* For the Choice grade, the minimum degree of marbling required is a ►typical slight◄ amount for carcasses throughout the range of

maturity permitted in the bullock class ►(see Figure 1).◄ The ribeye muscle may be slightly soft and, in carcasses having the maximum maturity for this class, the ribeye is moderately light red in color.

(c) *Good.* For the Good grade, the minimum degree of marbling required is a ►minimum traces◄ amount for carcasses throughout the range of maturity permitted in the bullock class ►(see Figure1).◄ The ribeye muscle may be moderately soft and, in carcasses having the maximum maturity for this class, the ribeye is slightly ►dark◄ red in color.

►(d) *Utility.* The Utility grade includes only those carcasses that are inferior to the minimum requirements specified for the Good grade.◄

PART 53—LIVESTOCK (GRADING, CERTIFICATION, AND STANDARDS)

1. The authority citation for Part 53 reads as follows:

Authority: Agricultural Marketing Act of 1946, sec. 203, 205, as amended; 60 Stat. 1087, 1090, as amended (7 U.S.C. 1622 and 1624).

2. 7 CFR 53.201–53.206 are revised to read as set forth below. In § 53.206, paragraphs (a)(4), (b)(4), (c)(4), (d)(4), and (e)(2) are removed.

Note.—In this document, new or revised text is enclosed by arrows (►◄). This proposed revision of the subpart also corrects typographical errors.

§ 53.201 Cattle.

The official standards for live cattle developed by the United States Department of Agriculture provide for segregation first according to use—slaughter and feeder—then as to class, which is determined by sex condition, and then as to grade, which is determined by the apparent relative excellence and desirability of the animal for its particular use. Differentiation between slaughter and feeder cattle is based solely on their intended use rather than on specific identifiable characteristics of the cattle. Slaughter cattle are those which are intended for slaughter immediately or in the very near future. Feeder cattle are those which are intended for slaughter after a period of feeding. However, under some economic conditions, specific kinds of cattle may be considered as feeders whereas under other economic conditions they might be considered as slaughter cattle.

§ 53.202 Classes of Slaughter and Feeder Cattle.

The classes of slaughter and feeder are steers, bullocks, bulls, heifers, and cows. Definitions of the respective classes are as follows:

(a) *Steer.* A steer is a male bovine castrated when young and which has not begun to develop the secondary physical characteristics of a bull.

(b) *Bullock.* A bullock is a young (under approximately 24 months of age) male bovine (castrated or uncastrated) that has developed or begun to develop the secondary physical characteristics of a bull.

(c) *Bull.* A bull is a mature (approximately 24 months of age or older) uncastrated, male bovine. However, for the purpose of these standards, any mature, castrated, male bovine which has developed or begun to develop the secondary physical characteristics of an uncastrated male also will be considered a bull.

(d) *Cow.* A cow is a female bovine that has developed through reproduction or with age, the relatively prominent hips, large middle, and other physical characteristics typical of mature females.

(e) *Heifer.* A heifer is an immature female bovine that has not developed the physical characteristics typical of cows.

§ 53.203 Application of Standards for Grades of Slaughter Cattle.

(a) *General.* Grades of slaughter cattle are intended to be directly related to the grades of the carcasses they produce. To accomplish this, these slaughter cattle grade standards are based on factors which are related to the grades of beef carcasses. The quality and yield grade standards are contained in separate sections of the standards. The quality grade standards are further divided into two sections applicable to: (1) steers, heifers, and cows, and (2) bullocks. ►Seven quality designations—Prime, Choice, Good, Commercial, Utility, Cutter, and Canner—are applicable to steers and heifers.◄ Except for Prime, the same designations apply to cows. ►The quality designations for bullocks are Prime, Choice, Good, and Utility.◄ There are five yield grades, which are applicable to all classes of slaughter cattle and are designated by numbers 1 through 5, with Yield Grade 1 representing the highest degree of cutability. The grades of slaughter cattle shall be a combination of both their quality and yield grades, except that slaughter bulls are yield graded only.

(b) *Quality Grades.* (1) Slaughter cattle quality grades are based on an evaluation of factors related to the palatability of the lean, herein referred to as "quality." Quality in slaughter cattle is evaluated primarily by the amount and distribution of finish, the firmness of muscling, and the physical characteristics of the animal associated with maturity. Progressive changes in maturity past approximately 30 months of age in the amount and distribution of finish and firmness of muscling have opposite effects on quality. Therefore, for cattle over approximately 30 months of age in each grade, the standards require a progressively greater development of the other quality-indicating factors. In cattle under approximately 30 months of age, a progressively greater development of the other quality-indicating characteristics is not required.

(2) Since carcass indices of quality are not directly evident in slaughter cattle, some other factors in which differences can be noted must be used to evaluate their quality. Therefore, the amount of external finish is included as a major grade factor herein, even though cattle with a specific degree of fatness may have widely varying degrees of quality. Identification of differences in quality among cattle with the same degree of fatness is based on distribution of finish and firmness of muscling. Descriptions of these factors are included in the specifications. For example, cattle which have more fullness of the brisket, flank, twist, and cod or udder and which have firmer muscling than that indicated by any particular degree of fatness are considered to have higher quality than indicated by the degree of fatness.

(3)►The approximate maximum age limitation for the Prime, Choice, and Good grades of steers, heifers, and cows is 42 months. The Commercial, Cutter, and Canner grades for steers, heifers, and cows include only cattle over approximately 42 months. There are no age limitations for the Utility grade of steers, heifers, and cows.◄ The maximum age limitation for all grades of bullocks is approximately 24 months.[1]

(c) *Yield Grades.* (1) The yield grades for slaughter cattle are based on the same factors as used in the official yield grade standards for beef carcasses (7 CFR 2853.105). Those factors and the change in each which is required to make a full yield grade change are as follows:

[1] Maximum maturity limits for bullock carcasses are the same as those described in the beef carcass grade standards for steers, heifers, and cows at about 30 months of age. However, bullocks develop carcass indicators of maturity at younger chronological ages than steers. Therefore, the approximately age at which bullocks develop carcass indicators of maximum maturity is shown herein as 24 months rather than 30 months.

Factor	Effect of increase on yield grade*	Approximate change in each factor required to make a full yield grade change**
Thickness of fat over ribeye.	Decreases	4/10 in.
Percent of kidney, pelvic, and heart fat.	Decreases	5%.
Carcass weight	Decreases	250 lb.
Area of ribeye	Increases	3 in.²

*The yield grades are denoted by numbers 1 through 5 with Yield Grade 1 representing the highest cutability or yield of closely trimmed retail cuts. Thus, an "increase" in ►yield grade (cutability)◄ means a smaller yield grade number while a "decrease" in ►yield grade (cutability)◄ means a larger yield grade number.
**This assumes no change in the other factors.

(2) When evaluating slaughter cattle for yield grade, each of these factors can be estimated and the yield grade determined by using the equation contained in the official yield grade standards for grades of carcass beef. However, a more practical method of appraising slaughter cattle for yield grade is to use only two factors normally considered in evaluating live cattle—muscling and fatness.

(3) In the latter approach to determining yield grade, evaluation of the thickness and fullness of muscling in relation to skeletal size largely accounts for the effects of two of the factors—area of ribeye and carcass weight. By the same token, an appraisal of the degree of external fatness largely accounts for the effects of thickness of fat over the ribeye and the percent of kidney, pelvic, and heart fat.

(4) These fatness and muscling evaluations can best be made simultaneously. This is accomplished by considering the development of the various parts based on an understanding of how each part is affected by variations in muscling and fatness. While muscling of most cattle develops uniformly, fat is normally deposited at a considerably faster rate on some parts than on others. Therefore, muscling can be appraised best by giving primary consideration to the parts least affected by fatness, such as the round and the forearm. Differences in thickness and fullness of these parts—with appropriate adjustments for the effects of variations in fatness—are the best indicators of the overall degree of muscling in live cattle.

(5) On the other hand, the overall fatness of an animal can be determined best by observing those parts on which fat is deposited at a faster-than-average rate. These include the back, loin, rump, flank, cod or udder, twist, and brisket. As cattle increase in fatness, these parts appear progressively fuller, thicker, and more distended in relation to the thickness and fullness of the other parts, particularly the round. In thinly muscled cattle with a low degree of finish, the width of the back usually will be greater than the width through the center of the round. The back on either side of the backbone also will be flat or slightly sunken. Conversely, in thickly muscled cattle with a similar degree of finish, the thickness through the rounds will be greater than through the back and the back will appear full and rounded. At an intermediate degree of fatness, cattle which are thickly muscled will be about the same width through the round and back and the back will appear only slightly rounded. Thinly muscled cattle with an intermediate degree of finish will be considerably wider through the back than through the round and will be nearly flat across the back. Very fat cattle will be wider through the back than through the round, but this difference will be greater in thinly muscled cattle than in those that are thickly muscled. Such cattle with thin muscling also will have a distinct break from the back into the sides, while those with thick muscling will be nearly flat on top but will have a less distinct break into the sides. As cattle increase in fatness, they also become deeper bodied because of large deposits of fat in the flanks and brisket and along the underline. Fullness of the twist and cod or udder and the bulge of the flanks, best observed when an animal walks, are other indications of fatness.

(6) In determining yield grade, variations in fatness are much more important than variations in muscling.

(d) *Other considerations.* (1) Other factors such as heredity and management also may affect the development of the grade-determining characteristics in slaughter cattle. Although these factors do not lend themselves to description in the standards, the use of factual information of this nature is justifiable in determining the grade of slaughter cattle.

(2) Slaughter cattle qualifying for any particular grade may vary with respect to the relative development of the individual grade factors. In fact, some will qualify for a particular grade although they have some characteristics more nearly typical of cattle of another grade. Because it is impractical to describe the nearly infinite number of recognizable combinations of characteristics, the quality and yield grade standards describe only cattle which have a relatively similar development of the various quality and yield grade determining factors and which are near the lower limits of these grades. The requirements are given for two maturity groups in the quality grade standards for steers, heifers, and cows—but for only one maturity group for bullocks. In the yield grade standards, cattle with two levels of muscling are described and specific examples in terms of carcass characteristics also are included.

§ 53.204 Specifications for Official U.S. Standards for Grades of Slaughter Steers Heifers, and Cows (Quality).

(a) *Prime.* (1) Slaughter steers and heifers 30 to 42 months of age possessing the minimum qualifications for Prime have a fat covering over the crops, back, ribs, loin, and rump that tends to be thick. The brisket, flanks, and cod or udder appear full and distended and the muscling is very firm. The fat covering tends to be smooth with only slight indications of patchiness. Steers and heifers under 30 months of age have a moderately thick but smooth covering of fat which extends over the back, ribs, loin, and rump. The brisket, flanks, and cod or udder show a marked fullness and the muscling is firm.

(2) Cattle qualifying for the minimum of the Prime grade will differ considerably in cutability because of varying combinations of muscling and degree of fatness. Cattle with higher cutability than normal for this grade are thickly muscled and have a lower degree of fatness than described for the Prime grade. Such cattle have less width of back and loin and are less uniform in width than normal for the Prime grade. The thick, full muscling gives the back and loin a well-rounded appearance with very little evidence of flatness. The thickness through the middle part of the rounds is greater than over the top and the thick muscling through the shoulders causes them to be slightly prominent. Although such cattle have a lower degree of fatness over the back and loin than described as typical, evidence of more fatness than described is noticeable in the brisket, flanks, twist, and cod or udder and the muscling is firmer than described. Conversely, cattle with lower cutability than normal for this grade are thinly muscled and have a higher degree of fatness than described for the Prime grade. The distribution of fat is not typical, for it is thicker over the crops, back, loin, and rump than described while the brisket, flanks, twist, and cod or udder indicate less fatness. Such cattle are wide and nearly flat over the back and loin and there is a sharp break from these parts into the sides. The width over the back is much greater than through the rounds and shoulders.

(3) Cows are not eligible for the Prime grade.

(b) *Choice.* (1) Slaughter steers, heifers, and cows 30 to 42 months of age possessing the minimum qualifications for Choice have a fat covering over the crops, back, loin, rump and ribs that tends to be ►slightly thick.◄ The brisket, flanks, and cod or udder show a marked fullness and the muscling is firm. Cattle under 30 months of age carry a ►slightly thin◄ fat covering over the top. The brisket, flanks, and cod or udder appear moderately full and the muscling is moderately firm.

(2) Cattle qualifying for the minimum of the Choice grade will differ considerably in cutability because of varying combinations of muscling and degree of fatness. Cattle with higher cutability than normal for this grade are thickly muscled and have a lower degree of fatness than described for the Choice grade. Such cattle are less uniform in width than normal for the Choice grade. The thick; full muscling over the top results in a rounded appearance with little evidence of flatness. The thickness through the middle part of the rounds is greater than over the top and the thick muscling through the shoulders causes them to be slightly prominent. Although such cattle have a lower degree of fatness over the back and loin than described as typical, evidence of more fatness than described is especially noticeable in the brisket, flanks, twist, and cod or udder and the muscling is firmer than described. Conversely, cattle with lower cutability than normal for this grade are thinly muscled and have a higher degree of fatness than described for the Choice grade. The distribution of fat is not typical, for it is thicker over the crops, back, loin, and rump than described but with evidence of less fatness in the brisket, flanks, twist, and cod or udder. The back and loin break sharply into the sides and the width over the back is much greater than through the rounds and shoulders.

(c) *Good.* (1) Slaughter steers, heifers, and cows 30 to 42 months of age possessing the minimum qualifications for Good have a fat covering that tends to be ►thin◄ with some fullness evident in the brisket, flanks, twist, and cod or udder and the muscling is firm. Cattle under 30 months of age have a ►very thin◄ fat covering which is largely restricted to the back and loin. The brisket, flanks, twist, and cod or udder are slightly full and the muscling is slightly firm.

(2) Cattle qualifying for the minimum of the Good grade will differ considerably in cutability because of varying combinations of muscling and degree of fatness. Cattle with higher cutability than normal for this grade are thickly muscled and have a lower degree of fatness than described for the Good grade. Such cattle are less uniform in width than normal for the grade. The thick, full muscling through the back gives the back and loin a well-rounded appearance. The thickness through the middle part of the rounds is greater than over the top and the thick muscling through the shoulders causes them to be prominent. Evidence of more fatness than described is especially noticeable in the brisket, flanks, twist, and cod or udder and the muscling is firmer than described. Conversely, cattle with lower cutability than normal for the grade are thinly muscled and have a higher degree of fatness than described for the Good grade. The distribution of fat is not typical, for it is thicker over the crops, back, loin, and rump than described while the brisket, flanks, twist, and cod or udder indicate less fatness. Such cattle are nearly flat over the back and loin and the width over the back is greater than through the rounds and shoulders.

►(d)◄ *Commercial.* (1) The Commercial grade is limited to steers, heifers, and cows over approximately 42 months of age. Slaughter cattle possessing the minimum qualifications for Commercial and which slightly exceed the minimum maturity for the Commercial grade have a slightly thick fat covering over the back, ribs, loin, and rump and the muscling is moderately firm. Very mature cattle usually have at least a moderately thick fat covering over the back, ribs, loin, and rump and considerable patchiness frequently is evident about the tail-head. The brisket, flanks, and cod or udder appear to be moderately full and the muscling is firm.

(2) Cattle qualifying for the minimum of the Commercial grade will differ considerably in cutability because of widely varying combinations of muscling and degree of fatness. Cattle with higher cutability than normal for this grade are thickly muscled and have a lower degree of fatness than described for the Commercial grade. The thick, full muscling over the top results in a rounded appearance with little evidence of flatness. The thickness through the middle part of the rounds is greater than over the top and the thick muscling through the shoulders causes them to be slightly prominent. Although such cattle have less thickness of fat over the back and loin than described as typical, evidence of more fatness than described is especially noticeable in the brisket, flanks, twist, and cod or udder and the muscling is firmer than described. Conversely, cattle with lower cutability than normal for this grade are thinly muscled and have a higher degree of fatness than described for the Commercial grade. The distribution of fat is not typical, being thicker over the crops, back, loin, and rump than described while the brisket, flanks, twist, and cod and udder indicate less fatness. The back and loin break sharply into the sides and the width over the back is much greater than through the rounds and shoulders.

►(e) *Utility.* (1) Cattle under approximately 42 months of age which fail to meet the minimum requirements for the Good grade are graded Utility. The minimum degree of finish required for older slaugher steers, heifers, and cows to qualify for the Utility grade varies from a slightly thin covering of fat for cattle approximately 42 months of age to a slightly thick fat covering, generally restricted to the back, loin, and rump, for the very mature cattle in this grade.◄ In such mature cattle, the crops are slightly thin and the brisket, flanks, and cod or udder indicate very slight fullness.

(2) Cattle qualifying for the minimum of the Utility grade vary somewhat in cutability, especially among older animals. ►Those under 42 months of age have no fatness requirement to qualify for the minimum of the grade and ◄ most of the variation in cutability of such cattle is due to differences in muscling. Cattle over 42 months of age will vary in their degree of fatness as well as muscling. Thus, cattle with thicker muscling than normal and less external fat than specified for this grade will have higher cutability than cattle with thinner musling and more fatness.

►(f) *Cutter.* The Cutter grade is limited to steers, heifers, and cows over approximately 42 months of age. In slaughter cattle in the Cutter grade, the degree of finish ranges from practically none in cattle approximately 42 months of age to very mature cattle which have only a very thin covering of fat.◄

►(g)◄ *Canner.* Canner grade are those which are inferior to the minimum specified for the Cutter grade.

§ 53.205 Specifications for Official U.S. Standards for Grades of Slaughter Bullocks (Quality).

(a) *Prime.* (1) Slaughter bullocks possessing the minimum qualifications for the Prime grade have a moderately thick but smooth covering of fat which extends over the back, ribs, loin, and rump. The brisket and flanks show a marked fullness and the muscling is firm.

(2) Bullocks qualifying for the minimum of the Prime grade will differ considerably in cutability because of varying combinations of muscling and degree of fatness. Bullocks with higher cutability than normal for this grade are thickly muscled and have a lower degree of fatness than described as minimum for the Prime grade. Such bullocks have less width of back and loin and are less uniform in width than described as typical for the Prime grade but the muscling is firmer than described. Conversely, bullocks with lower cutability than normal for this grade are thinly muscled and have a higher degree of fatness than described as minimum for the Prime grade.

(b) *Choice.* (1) Slaughter bullocks possessing the minimum qualifications for the Choice grade carry a ►slightly thin◄ fat covering over the top. The brisket and flanks appear moderately full and the muscling is moderately firm.

(2) Bullocks qualifying for the minimum of the Choice grade will differ considerably in cutability because of varying combinations of muscling and degree of fatness. Bullocks with higher cutability than normal for this grade are thickly muscled and have a lower degree of fatness than described as minimum for the Choice grade but the muscling is firmer than described. Conversely, bullocks with lower cutability than normal for this grade are thinly muscled and have a higher degree of fatness than described as minimum for the Choice grade.

(c) *Good.* (1) Slaughter bullocks possessing the minimum qualifications for the Good grade have a ►very thin◄ fat covering which is largely restricted to the back and loin. The brisket and flanks are slightly full and the muscling is slightly firm.

(2) Bullocks qualifying for the minimum of the Good grade will differ considerably in cutability because of varying combinations of muscling and degree of fatness. Bullocks with higher cutability than normal for the grade are thickly muscled and have a lower degree of fatness than described as minimum for the Good grade. Such bullocks are less uniform in width than described as typical of the grade but the muscling is firmer than described. Conversely, bullocks with lower cutability than normal for this grade have thinner muscling and a higher degree of fatness than described as minimum for the Good grade.

►(d)◄ *Utility.* The Utility grade includes only those bullocks that do not meet the minimum requirements specified for the Good grade.

§ 53.206 Specifications for Official United States Standards for Grades of Slaughter Cattle (Yield).

(a) *Yield Grade 1.* (1) Yield Grade 1 slaughter cattle produce carcasses with very high yields of boneless retail cuts. Cattle with characteristics qualifying them for the lower limits of Yield Grade 1 (near the borderline between Yield Grade 1 and Yield Grade 2) will differ considerably in appearance because of inherent differences in the development of their muscling and skeletal systems and related differences in fatness.

(2) Very thickly muscled cattle typical of the minimum of this grade have a high proportion of lean to bone. They are moderately wide and the width through the shoulders and rounds is greater than through the back. The top is well-rounded with no evidence of flatness, and the back and loin are thick and full. The rounds are deep, thick, and full and the width through the middle part of the rounds is greater than through the back. The shoulders are slightly prominent and the forearms are thick and full. These cattle have only a thin covering of fat over the back and rump. The flanks are slightly shallow and the brisket and cod or udder have little evidence of fullness. Slaughter cattle of this description producing 600-pound carcasses usually have about 0.3 of an inch of fat over the ribeye and about 13.0 square inches of ribeye area.

(3) Because of the relatively low proportion of lean to bone, practically no thinly muscled cattle produce carcasses with an exceptionally high yield of boneless retail cuts. Therefore, it is unlikely that thinly muscled cattle will qualify for Yield Grade 1.

(b) *Yield Grade 2.* (1) Yield Grade 2 Slaughter cattle produce carcasses with high yields of boneless retail cuts. Cattle with characteristics qualifying them for the lower limits of Yield Grade 2 (near the borderline between Yield Grade 2 and Yield Grade 3) will differ considerably in appearance because of differences in the development of their muscling and skeletal systems and related differences in fatness.

(2) Very thickly muscled cattle typical of the minimum of this grade have a high proportion of lean to bone. They are wide through the back and loin and have slightly greater width through the shoulders and rounds than through the back. The top is well-rounded with little evidence of flatness and the back and loin are thick and full. The rounds are thick, full, and deep and the thickness through the middle part of the rounds is greater than that over the top. The shoulders are slightly prominent and the forearms are thick and full. There is a slightly thick covering of fat over the back and rump and the flanks are slightly deep. The brisket and cod or udder are slightly full. Slaughter cattle of this description producing 600-pound carcasses usually have about 0.6 of an inch of fat over the ribeye and about 12.5 square inches of ribeye area.

(3) Thinly muscled cattle typical of the minimum of this grade have a relatively low proportion of lean to bone. They tend to be flat and slightly narrow over the back and have slightly long, flat rounds. They are slightly wider over the back than through the rounds. The shoulders are slightly prominent and the forearms are only slightly thick. These cattle have a thin covering of fat over the back and rump. The flanks are slightly shallow and thin and the brisket and cod or udder have little evidence of fullness. Slaughter cattle of this description producing 600-pound carcasses usually have 0.3 of an inch of fat over the ribeye and about 10.0 square inches of ribeye area.

(c) *Yield Grade 3.* (1) Yield Grade 3 slaughter cattle produce carcasses with intermediate yields of boneless retail cuts. Cattle with characteristics qualifying them for the lower limits of Yield Grade 3 (near the borderline between Yield Grades 3 and 4) will differ considerably in appearance because of inherent differences in the development of their muscling and skeletal systems and related differences in fatness.

(2) Very thickly muscled cattle typical of the minimum of this grade have a high proportion of lean to bone. They are very wide through the back and loin and are uniform in width from front to rear. The back or top is nearly flat with only a slight tendency toward roundness and there is a slight break into the sides. The back and loin are very full and thick. The rounds are deep, thick, and full. The shoulders are smooth and the forearms are thick and full. There is a moderately thick covering of fat over the back and rump. The flanks are deep and full and the brisket and cod or udder are full. Slaughter cattle of this description producing 600-pound carcasses usually have about 0.9 of an inch of fat over the ribeye and about 12.0 square inches of ribeye area.

(3) Thinly muscled cattle typical of the minimum of this grade have a relatively low proportion of lean to bone. They are flat and slightly wide over the back and loin and are wider over the back than through the rounds. The shoulders are slightly smooth and the forearms are only slightly thick. These cattle tend to have a slightly thick covering of fat over the back and rump. The flanks are slightly deep and full and the brisket

and cod or udder are slightly full. Slaughter cattle of this description producing 600-pounding carcasses usually have about 0.6 of an inch of fat over the ribeye and about 9.5 square inches of ribeye area.

(d) *Yield Grade 4.* (1) Yield Grade 4 slaughter cattle produce carcasses with moderately low yields of boneless retail cuts. Cattle with characteristics qualifying them for the lower limits of Yield Grade 4 (near the borderline between Yield Grades 4 and 5) will differ considerably in appearance because of inherent differences in the development of their muscling and skeletal systems and related differences in fatness.

(2) Very thickly muscled cattle typical of the minimum of this grade have a high proportion of lean to bone. They appear wider over the top than through the shoulders or rounds. The back and loin are very thick and full, nearly flat, and break sharply into the sides. The rounds are deep, thick, and full. The shoulders are smooth and the forearms are thick and full. These cattle have a thick covering of fat over the back and rump. The flanks are very deep and full and the brisket and cod or udder are very full. Slaughter cattle of this description producing 600-pound carcasses usually have about 1.1 inches of fat over the ribeye and about 11.5 square inches of ribeye area.

(3) Thinly muscled cattle typical of the minimum of this grade have a relatively low ratio of lean to bone. They are flat over the back and loin and much wider through the back than through the shoulders or rounds. The rounds tend to be long and flat. The shoulders are smooth and the forearms are slightly thick. These cattle have a moderately thick covering of fat over the back and rump and the back breaks sharply into the sides. The flanks are deep and full and the brisket and cod or udder are full. Slaughter cattle of this description producing 600-pound carcasses usually have about 0.9 of an inch of fat over the ribeye and about 9.0 square inches of ribeye area.

►(e) *Yield Grade 5.*◄ Yield Grade 5 slaughter cattle produce carcasses with low yields of boneless retail cuts. Cattle of this grade consist of those not meeting the minimum requirements for Yield Grade 4 because of either more fat or less muscle or a combination of these characteristics.

Done at Washington, D.C., on December 23, 1981.

John Ford,

Deputy Assistant Secretary Marketing and Inspection Services.

U.S. DEPARTMENT OF AGRICULTURE, AGRICULTURAL MARKETING SERVICE

Appendix—Summary of the Preliminary Regulatory Impact Analysis of Proposed Changes in the United States Standards for Grades of Carcass Beef and Slaughter Cattle

High interst rates, inflation and a decrease in the amount of discretionary dollars in the consumer budget have created an economic situation where feeding cattle has been relatively unprofitable for the last 2 years. This has occurred during the phase of the cattle cycle that has traditionally been the most profitable. The cattle feeding industry has two basic problems to solve that are related. They are: (1) finding ways to produce cattle at reduced costs, and (2) finding and maintaining an overall production (supply) level that leads to a quantity-price relationship on the demand side that makes the production level profitable to produce.

During the last few years there has also been increasing evidence that consumers are more conscious of health concerns related to food consumption. Studies have reached conclusions that consumers are more concerned about the levels of saturated fats, cholesterol, and overall calories in their diets. These results are generally expressed in the broad statement that consumers are now demanding leaner beef.

In April 1981, the Department received a formal petition from the National Cattlemen's Association (NCA) that asked for consideration and appropriate action on a resolution "to improve and modernize the USDA Beef Grading Standards." The NCA petition maintains that the current grading system inhibits the production of leaner beef and leads to the overfattening of some cattle and to economic inefficiencies. The NCA petition suggests that revising the current standards can lower production costs by reducing the average feeding time by 15 to 30 days and at the same time provide a product that is as acceptable as the product in the current grades and more in line with consumer desires for leaner beef.

Since the submission of the NCA petition, numerous other groups and individuals have either formally or informally provided USDA with recommendations regarding the current beef grade standards or publicly presented their positions. These recommendations range from support of the current system, to calling for a return to the standards that were in effect prior to a revision implemented in 1976, to those recommending changes similar to the NCA recommendation.

In response, the Department has reviewed the beef quality standards, has considered several alternatives for modifying the existing standards and has developed a specific set of proposed modifications. This process has been consistent with the Department's philosophy that the beef standards cannot be static; they must be dynamic to be of greatest value to the various users. In keeping with this philosophy, the Department has made changes in the standards as necessary to meet the changing needs of users of the system. There have been eight revisions to the official beef grade standards since they were introduced in 1926. The voluntary, industry-funded grading program was initiated 1 year later in 1927.

Changes in the standards have normally been considered for one or more of the following reasons: (1) to clarify the intent of the standards or to otherwise improve the ease of application or uniformity of their interpretation; (2) to incorporate the results of research findings with respect to the importance of various grade factors; or (3) to keep the standards abrest of established changes in consumer preferences and livestock production practices.

The Department has continued to receive recommendations for change during the review of the existing standards. In August 1981, the Department received a petition from the Community Nutrition Institute (CNI) recommending that the current quality standards be maintained but that changes be made in the current nomenclature.

Alternatives Considered

In developing the current proposal, the Department initially considered a wide variety of options for quality grades that were narrowed down to the following four alternatives:

- The Present Standards
- The Proposed Standards
- The NCA Alternative
- A New Grade Alternative

These four alternatives, that are representative of the wide variety of suggestions the Department has received, are described in the Background section of the preceding proposed rule for grades of carcass beef and slaughter cattle.

In accordance with section 3(d) of Executive Order 12291 on Federal Regulation, the Department has prepared a Preliminary Regulatory Impact Analysis (PRIA) that includes (1) a description of the potential costs and benefits of the Department's proposal, including the beneficial and adverse effects that cannot be quantified in monetary terms, (2) identification of the public sectors likely to receive the benefits and likely to bear the costs and (3) a description of alternative approaches considered together with their costs and benefits. In accordance with the Regulatory Flexibility Act (Pub. L. 96-354), the PRIA identifies particular costs and benefits applicable to small businesses. Due to the nature and use of grade standards, it is not feasible to consider different requirements for different sizes of firms. This summary includes the major findings and conclusions of the PRIA.

The Present Standards

The Department recognizes that some users believe that the existing standards are adequately sorting beef according to palatability and that they do not necessarily discourage the production of leaner beef. Several beef industry sectors have, however, acknowledged the apparent inefficiencies in a system that produces excess fat that must

be chilled and transported only to be trimmed off before the final product appears in the meat counter of a retail store. While there is not a direct cause and effect relationship, there is some evidence that the existing standards do have an influence on the production system that now produces a relatively high percentage of overfat cattle.

A panel discussion at the National Beef Grading Conference held in Ames, Iowa, in January 1981, concluded that most cattle are sold based on an estimated percentage of Choice in conjunction with weight and number of days on feed. Most cattle are fed until the feeder or buyer estimates that 75 percent or more of the lot or pen will grade Choice. This normally occurs at market weights of 1,050 to 1,200 pounds depending on the size, age and breed of cattle. At the same time as the cattle are developing the marbling to grade Choice, they are also developing increased exterior and seam fat. The conclusion that has been reached by the NCA and other segments of the beef industry is, that with the existing grade standards, it is generally impossible to achieve the goal of 75 percent or more Choice without producing a relatively high percentage of Yield Grade 4 and Yield Grade 5 cattle that are discounted for being overfat.

Even though most fed cattle may be marketed only after they reach the goal of 75 percent or more Choice, the cattle feeder's profits are still based on considerations of marginal costs and marginal revenues. As cattle approach the traditional market weights of 1,050 to 1,200 pounds, marginal costs are increasing because of decreases in feed efficiency (pounds of grain required per pound of gain). Marginal revenues are simultaneously affected by rising and falling market prices, by premiums paid for Choice cattle over Good cattle and by discounts for Yield Grade 4 and 5 cattle. These premiums and discounts change over time. For example, over the last 4 years, premiums for Choice slaughter cattle over Good cattle have averaged from $3 to $5 per hundred pounds. However, in early February 1981, prices for Good and Choice cattle differed by only $2 dollars per hundred pounds based on the price quotations from certain central markets. These price quotations are based on the slaughter cattle standards. Since 1975, the wholesale discounts for Yield Grade 4 and 5 carcasses have varied considerably. Prior to 1975, The discounts were generally less than estimated value differences. The discounts, which presumably help establish slaughter cattle prices, have now increased to often reflect or even exceed the expected value differences. Under certain market conditions, cattle are fed to a point where the total discounts exceed the total premiums. Feeding to a goal of 75 percent or more Choice is one of several factors that can contribute to that type of situation.

Based on a sample of 1,287 carcasses examined in late 1980 and early 1981, the Department estimates that almost 23 percent of fed cattle now slaughtered produce a carcass that is either Yield Grade 4 or Yield Grade 5. In 1980, there were approximately 24 million fed steers and heifers slaughtered. This slaughter level produced an estimated 5.5 million Yield Grade 4 or Yield Grade 5 carcasses. An examination of wholesale dressed meat prices in 1980 shows that typical discounts for these carcasses ranged from $12 to $15 per hundred pounds. Assuming that these heavier carcasses averaged 750 pounds, then the total discount for these 5.5 million carcasses would probably have been between $500 and $600 million. These cattle cost as much, if not more, to produce than cattle with more desirable yield grades. It is believed that most of this loss in revenue is borne by the cattle feeder because buyers estimate the number of Yield Grade 4 and 5 cattle when they offer price quotations.

The number of Yield Grade 4 and Yield Grade 5 carcasses could potentially be reduced in a number of ways, including:

(1) Changes in breeding practices that would lead to a reduction in cattle that tend to put on excessive exterior and seam fat. This potential solution is analogous to the pork industry's move to a leaner market hog. Even if feasible, however, this is a long term solution not addressed here.

(2) Another potential solution would involve the identification, sorting and marketing of overfinished cattle earlier. Identification would be based on visual examination or on the use of instruments such as backfat probes. It has been suggested that sorting on a large scale is neither practical nor cost effective. A similar suggested approach is to sort cattle at placement based on frame size or other characteristics and then experiment with different feed rations.

(3) Reducing the overall time on feed. This is the solution that is the projected impact of two alternatives, the current proposal and the NCA petition.

(4) Feeding to a lower percentage (50 to 60 percent) of Choice, under the existing standards.

The NCA petition suggests that cattle feeders cannots produce leaner beef under the current standards. That is probably true as long as the target goal for feeders is 75 percent or more Choice. The number of overfat cattle could, however, be reduced if this goal was reduced to 50 to 60 percent Choice. It is not clear whether this goal is set by the production side of the industry (feeders and packers) or by the customer side (retailers, purveyors and consumers). In recent years, some retailers have shown that their customers will purchase an ungraded, generally leaner product over Choice if it is less expensive. Some have found supplies of this product limited. There is certainly some evidence that more Good quality beef would sell if it were produced and merchandised. However, there has not been sufficient evidence available on the production side to change overall feeding patterns. There may be a lot of tradition in the production goal of 75 percent or more Choice. The goal existed prior to 1976 when only 50 percent of feed beef was Choice quality. It exists today when an estimated 64 percent of fed beef is of Choice quality.

The Department does not expect to see major changes in feeding patterns under the current standards. Some proponents of the existing standards believe that many of the objectives of the proposed changes could be achieved by an extensive educational and promotional campaign extolling the virtues of Good grade beef or by changing the Good name in order to avoid the perceived consumer and industry aversion to its connotation. The petition from CNI has proposed changing the Good grade name to "Choice Light" and the Standard grade name to "Lean".

An obvious advantage of the existing standards is that any change requires an adustment and learning phase at all levels of the marketing system. There would be some costs associated with the implementation of any change.

The Proposed Standards

The current proposal would provide feeders with the opportunity to feed to a constant percentage of Choice with less time on feed. With shorter feeding times, overall profitability should increase because (1) overall feed efficiency would go up for lighter market weights, and (2) the total discounts for Yield Grade 4 and 5 carcasses should go down as fewer are produced. It is not clear what would happen to the price differentials between Good and Choice cattle.

However, the impacts of the current proposal are highly dependent on the resultant change in feeding patterns. The Department recognizes that there are differences in opinion as to (1) the number and types of feedlot operations that would change feeding patterns in response to a change in the grade standards, and (2) the magnitude of that response in terms of the reduction in average time on feed. The NCA suggests in their petition that relatively minor changes, such as those they recommend, would shorten the average feeding time by 15 to 30 days. Others believe that this is optimistic based on the reaction, to date, to the 1976 changes in the grade standards. The Department proposes to establish minimum marbling requirements for Choice beef that are higher than the requirements recommended by the NCA. If we accept the premise that there is a cause and effect relationship such that lower minimum marbling requirements for Choice beef result in a reduction in average time on feed, then we would expect the proposed standards to have a slightly smaller impact on feeding time than the NCA alternative, assuming a consistent goal of feeding to 75 percent or more Choice. The Department acknowledges that feeding times could be affected by changes in marbling requirements. However, the Department also recognizes that there are many other variables that will influence overall feeding patterns. Therefore, in the PRIA, the Department did not attempt to establish a functional relationship between marbling requirements and feeding patterns.

Because of the uncertainty of response, the PRIA analyzes the affects of a wide variety of potential reactions. In addition, we have developed a projected response by the cattle feeding sector to the proposed standards based on (1) the review of the 1976 revisions, (2) the magnitude of the changes in carcass weight and feed consumption, and (3) the collective judgment of multidisciplinary personnel across several USDA agencies.

This projection is that the average time on feed for approximately half of fed cattle would be reduced by approximately 15 days, or that the overall average time on feed would be reduced by approximately 7 days. The estimated impacts of this projected case and two others are summarized below. The other cases are included because there is so much uncertainty as to what the actual response would be.

● If all fed cattle were fed 7 days less (the Department's projected response) there would be a 1.7 percent decrease in total live weight, a 2.1 percent decrease in carcass weight and a 1.4 to 1.8 percent decrease in the supply of closely trimmed retail cuts. Total feed costs would be reduced by almost 5 percent or over $200 million. This represents a decrease in overall production costs of 1.1 percent. It has also been estimated that the average yield grade would be decreased by 0.1 to 0.15. With this amount of shift in average yield grade, an estimated 3 to 4 percent of fed cattle would move from Yield Grade 4 down to Yield Grade 3, potentially decreasing overall discounts by 13 to 17 percent. Under this response, we have estimated that the percentage of Choice cattle would rise from 64 percent to 74 percent and that the percentage of Good cattle would decrease from 26 percent to 12 percent. This could affect the premiums paid for Choice cattle.

● If all cattle were fed 15 days less, there would be a 4.1 percent decrease in total live weight, a 5.4 percent decrease in total carcass weight and a 3.8 to 4.1 percent decrease in the supply of closely trimmed retail cuts. Total feed costs would be reduced by approximately $450 million. This represents a decrease in overall production costs of 2.3 percent. It has also been estimated that the average yield grade would be decreased by 0.2 to 0.3. With this amount of shift in average yield grade, an estimated 6 to 8 percent of fed cattle would move from Yield Grade 4 down to Yield Grade 3, potentially decreasing overall discounts by 25 to 35 percent. Under this response, the percentage of Choice cattle will still increase and the percentage of Good cattle would decrease but changes would be less.

● There is also the possibility that there would be no noticeable change in feeding patterns. In this case, there would be no reduction in feeding costs and no reduction in the percentage of Yield Grade 4 and Yield Grade 5 cattle. It is estimated that the percentage of Choice cattle would rise to 77 percent and the percentage of Good cattle would fall to only 7 percent. There is no guarantee that total premiums for Choice cattle would increase. In early 1981, there was a relative surplus of Choice cattle relative to Good cattle. As a result, there was very little difference in the wholesale carcass prices for Good and Choice beef. Live cattle prices differed by about $2 per hundred pounds at Midwest markets.

There are some cattle feeders that would probably benefit from the proposed changes without a reduction in feeding time. Some feeders are now feeding an increasing, but unknown, number of cattle referred to as "Exotic Crossbreds." These cattle are, on the average, larger-framed, heavier-muscled, higher-cutting and faster-gaining than traditional cattle. However, they now have one problem. They geneally don't marble enough to qualify for Choice until they reach weights of 1,300 to 1,400 pounds and at these weights, they are too large to be desired by the restaurant or retail trade. Therefore, many of these cattle are sold at relatively young ages at traditonal market weights and do not qualify for Choice. Under the current proposal, more of these carcasses could qualify for Choice and these feeders should receive more for their live cattle. The proposal could encourage a shift to the production of more of these types of cattle.

The PRIA identifies several reasons that might inhibit a change to the shorter feeding times that would result in lighter cattle and fewer overfat cattle. Examples include:

● The packing industry may discount lighter cattle because their carcasses represent less total revenue.

• Retailers may not want lighter carcasses because the individual retail cuts may be too small. Traditional retail purchase specifications provide for a 600 to 700 pound carcass. In late August 1981, cattle under 1,050 pounds were being heavily discounted because of an oversupply of shorter-fed cattle, that are likely to produce a carcass under 600 pounds.

• Retailers may fear an adverse customer reaction and change their purchase specifications.

• Buyers and feeders may simply be slow to move away from traditional slaughter weights.

Past experience has shown that the percentage of Yield Grade 4 and 5 carcasses is highest during periods of overproduction and corresponding low market prices, when feeders hold on to cattle waiting for market improvements. Therefore, for the cattle feeding industry to fully realize the potential benefits from the current proposal, the industry must address the second overall problem identified above and maintain a production level that is consistent with a profitable price-quantity relationship on the demand side. If short term benefits from the proposal trigger overproduction then all potential long term benefits may be lost.

Retailers, restaurant and hotel owners and operators, purveyors and consumers will all be concerned about the affects that the proposed changes would have on the eating quality of beef within the proposed grades.

Subsequent to the changes promulgated in March 1975, the Department initiated a major study of beef quality in cooperation with Texas A&M University, Colorado State University, and Iowa State University. This study, which involved over 1,000 beef carcasses, was the most comprehensive study of grades, grade factors, and beef palatability ever conducted. The Department has used an analysis of that study in developing its current proposal. The Department has concluded that the proposed standards for the Prime and Choice grades would not significantly [1] lower the overall palatability part, the analysis assumes that there would not be a shift in demand due to the proposed changes in the standards. The one available consumer survey that has looked at the 1976 change, a change of similar magnitude, did not find any significant changes in purchasing patterns due to the revisions in the grade standards.

The Department does recognize, however, that no amount of research is going to convince all parties that the proposed changes would not result in a deterioration in quality without a corresponding reduction in price. The Department also recognizes that while price and leanness are important beef attributes to consumers, recent surveys still show that quality is the most important consideration for consumers in purchasing beef.

The impacts of reduced time on feed were analyzed using the Department's Food and Agricultural Policy Similator, an interactive economic model of the farm sector that utilizes supply-demand relationships for individual commodities and relationships of how different commodities and products substitute for each other at different price levels. The analysis has projected that if cattle feeders respond by reducing average time on feed, there would be increases in the average production cost per pound of fed beef, reductions in retail supplies of fed beef leading to some retail price increases, and decreases in grain use leading to reductions in grain prices. There would also be some secondary effects on the demand for pork and poultry and on the supplies of trimmed fat for rendering.

The following impacts (1 year following the change) are estimated for the projected response that overall average time on feed would be reduced by 7 days.

• Fed beef production would be down by 1.2 percent leading to a 1.3 percent increase in the retail price index for beef. Production costs per retail pound would be up by at most one cent per pound.

• The retail price index for pork would increase by 0.7 percent. Retail prices for both chicken and turkey would be up by 0.9 percent.

• Corn feed use would be decreased by 0.3 percent and the average farm price for corn would decrease by almost 1.0 percent.

• The Consumer Price Index (CPI) for food would be up by 0.3 percent; there would be no expected change in the overall CPI.

• Gross farm income would increase by 0.3 percent and net farm income would increase by 0.6 percent.

The production costs per pound go up because live weight decreases proportionally faster than direct costs, as feeding time is decreased. Under the projected response, it was estimated that feeders would reduce total feed costs by $217 million. It was also estimated that a 7 day reduction in average time on feed could reduce interest costs by approximately $25 million and other direct costs such as fuel, utilities, and repairs by approximately $60 million. Therefore, with the projected response, total direct costs could be reduced by approximately $300 million. However, at the same time, total live weight would decrease by approximately 470

[1] In dicussing palatability, the term "significantly lower" is used in the statistical sense to indicate that there is no change in the palatability scores at a 95 percent level of confidence.

million pounds, a loss in revenues of over $300 million at an average market price of $.65 per pound.

The analysis does not support a conclusion that reduced time on feed could lead to short term reduction in overall production costs that could be passed on to consumers in terms of lower beef prices. However, it is recognized that in the long term, feeders could feed out more cattle per year with reduced feeding times and spread their fixed costs over a wider base, thereby lowering the overall production costs per pound.

If feeding cattle continues to be unprofitable, feeders may drastically cut back on feeding operations leading to far more significant impacts on retail prices. It is possible that the price increases due to the revisions may help stabilize the fed beef portion of the cattle cycle and help prevent price increases that would otherwise result.

Slaughterers and processors would, most likely, see a decrease in total volume of sales. However, these firms normally see fluctuations due to changes in the profitability of cattle feeding and changes due to the overall cattle cycle. Total commercial cattle slaughter fell by over 21 percent between 1976 and 1979. The proposed revisions in the grade standards would be expected to reduce total carcass weight by only 2.1 percent based on the projected response. Of course, reductions in average size have different cost implications than reductions in the number of head. However, the analysis shows only minor increases (less than one cent per pound) in the slaughter and processing costs per retail pound of beef.

With the projected response, there would be considerable changes in the supplies of fed beef by quality level, graded or not graded. There would be a 13 percent increase in Choice beef, a 72 percent increase in Prime beef and a projected 54 percent decrease in Good beef.

These changes will cause some retailers and other wholesale buyers to change or modify their purchasing programs, their merchandising programs, or both. In recent years, retailers have shown an increased tendency to change or modify merchandising progams for other reasons. Stores apparently can move from a USDA graded program to a house brand program, or vice versa, without major effects. If retailers or wholesalers find they must purchase graded beef, where they previously purchased ungraded or "no roll" beef, the added cost due to the grading service is only a tenth of a cent per pound. The analysis has not attempted to project price differentials between the proposed grade levels. Some retail firms will support the proposal because they recognize a need to produce less wasteful carcasses that require less trimming. Consumer preferences have led to more boneless cuts and more closely trimmed cuts being available in retail stores.

The Department believes that the proposed change can benefit purveyors, restaurants and hotels by identifying a larger category of Prime beef for their customers who they believe are very discriminating and who demand top quality beef.

Again, the analysis has not attempted to predict the relative prices for the proposed Prime, Choice and Good grades. The Department has no analytical model that can project these levels.

In summary, the analysis has shown that, if feasible, it would be better to selectively feed only the overfat cattle for shorter periods of time. There are, however, potential benefits for producers if overall feeding times could be shortened, and if certain types of cattle could qualify for Choice with less marbling. The analysis has not identified any major reason for not changing the standards in order to allow the opportunity for shorter feeding times.

The NCA Alternative

The NCA alternative is conceptually the same as the Department's proposal in the sense that both alternatives would set lower marbling requirements for Prime and Choice beef. The difference is that the NCA alternative would set lower overall requirements for the Choice grade. Under current feeding patterns, the Department's proposal would result in fewer of the current Good carcasses qualifying for the Choice grade. The Department estimates that requirements recommended by the NCA would allow an additional 3 to 4 percent of the current fed-beef production to quality for the Choice grade. Because of the lower marbling requirements for Choice, we would expect that the NCA alternative would result in a slightly larger reduction in average time on feed. However, because of the uncertainty of response, and because of the relatively minor differences between the two alternatives, we have not attempted to project a different response for the NCA alternative.

The NCA alternative provides for a minimum marbling requirement for Choice that is also accompanied by conditional requirements related to fat color and external fat thickness. The Department believes that these conditional requirements would complicate the grading decision process and could lead to increases in both implementation costs and the ongoing costs of providing grading service.

The Department has determined from its analysis of the palatability research that the requirements recommended by the NCA would significantly lower the overall acceptability of Choice beef. Therefore, while the NCA alternative might allow for greater reductions in feeding time, the Department's assessement, somewhat quantitiative, somewhat subjective, is that the potential costs from reduced palatability are too high when compared to the potential benefits from reduced time on feed.

A New Grade Alternative

A new grade alternative appeals to those who desire a second major retail grade as an alternative to Choice. It is estimated that the proposed standards would result in an estimated 74 percent of fed beef qualifying for the Choice grade. If consumers are really looking for leaner beef in terms of less marbling and not just in terms of external fat, than a system where over 85 percent of the product would be Prime or Choice does not identify an adequate amount of an alternative leaner beef.

The new grade alternative would either result in a second major retail grade or it could result in a large volume of ungraded beef, or at least a large increase in the use of house brands. Retailers could decide to use the new grade in both purchasing and merchandising, in purchasing alone, or in neither. If retailers chose to not use a new grade in merchandising, then the potential customer benefits of having an alternative to Choice would be lost. If retailers and other customers do not use a grade in purchasing, the packing industry is not going to request that the product be graded. In a series of informal interviews, retailers have identified several reasons why it is preferable to offer only one line of beef per store. For example, with one grade retailers can offer a wider variety of cuts and packaging. Several retailers have also found that one grade leads to better inventory control, less spoilage and less customer confusion.

The Department has concluded that the new grade concept would cause a major change in the beef marketing system, with high potential costs and unknown benefits. At the current time the Department has no indication that this alternative would result in reduced feeding times. Assuming no change in feeding patterns, the new grade alternative would result in considerable changes in the supplies of fed beef by quality level, graded or not graded. With existing feeding patterns, the Department estimates that the majority of fed beef would qualify for the new grade alternative.

Other Issues

The PRIA also examined several issues in addition to the alternative changes in quality standards. A major issue is whether or not to require that quality grading be accompanied by yield grading.

The Department has strongly supported yield grading as a means of achieving better carcass valuation and improved pricing efficiency. In the 1976 revisions, the Department required that all carcasses graded for quality would also be yield graded. Today large price spreads exist between Yield Grade 3 or better, and Yield Grade 4 or 5 carcasses. However, the premiums paid for Yield Grades 1 and 2 have not increased accordingly. The system has not been totally successful in achieving improved pricing efficiency.

It is unlikely, however, that existing price spreads would be altered significantly if beef were again allowed to be identified for quality grade only. Most large volume beef purchasers recognize the value of yield grades and would probably continue to insist on beef graded Yield Grade 3 or better. From past experience, they would assume that any beef not idenified for yield grade would be in Yield Grades 4 and 5 and would refuse to accept it or would accept it only at a discount. The Department is concerned that a return to the optional use of yield grading might work to the disadvantage of some small volume purchasers who do not have the purchasing power to request yield grading and don't have personnel skilled in carcass evaluation.

There are several arguments for returning the option of having graded beef identified for yield grade to the users of the grading service. There are potential benefits of allowing external fat trimming, which is currently prohibited if the beef is to be yield graded. However, the Department believes the benefits of universal identification of graded beef for yield grade still outweigh these considerations.

The Department's proposal also includes changes in the grades for slaughter cattle. The two major uses of the slaughter cattle standards are for quoting market prices for live cattle, and for grading live cattle delivered to satisfy futures trading contracts. To the extent possible the current grades for slaughter animals conform directly to the grades for carcasses produced from the live animals. The changes now being proposed in the slaughter cattle standards are intended to maintain consistency between the two types of grades. The PRIA does not treat these changes as a separate action with separate impacts.

[FR Doc. 81-37038 Filed 12-29-81; 8:45 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation

7 CFR Part 1421

[Amdt. 3]

Standards for Approval of Warehouses for Grain, Rice, Dry Edible Beans, and Seed

AGENCY: Commodity Credit Corporation, United States Department of Agriculture.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule would amend the regulations found at 7 CFR §§ 1421.5551 *et seq.* relating to Standards for Approval of Warehouses for Grain, Rice, Dry Edible Beans, and Seed. The proposed amendment would: (1) require warehousemen wishing to continue their approval under the Uniform Grain Storage Agreement (UGSA) and the Uniform Rice Storage Agreement (URSA) to pay contract fees to Commodity Credit Corporation (CCC) in advance of the annual renewal date to partially defray warehouse examinations and administrative costs incurred by CCC in administering the UGSA and URSA; and (2) require warehousemen requesting initial warehouse approval under the UGSA and URSA to pay contract fees to partially defray CCC's costs in examining and approving such facility.

DATES: Comments must be received on or before February 28, 1982, in order to be assured of consideration.

ADDRESS: Interested persons are invited to send written comments to Paul W. King, Director, Transportation and Storage Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Paul W. King or Tyrus Matsuoka, United States Department of Agriculture, Agricultural Stabilization and Conservation Service, Transportation and Storage Division, P.O. Box 2415, Washington, D.C. 20013; (202) 447-7433.

The Draft Regulatory Impact Analysis describing the options considered is available from the above named individuals.

SUPPLEMENTARY INFORMATION: The proposed rule has been reviewed under USDA procedures established in accordance with Secretary's Memorandum 1512-1 and Executive Order 12291, and has been classified "not major." It has been determined that the provisions of this proposed rule will not result in: (1) an annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, production, innovation, or an ability of United States-based enterprises to compete with foreign enterprises in domestic or export markets.

This action will not have a major impact on area and community development. Therefore, a review as established by OMB Circular A-95 was not used to assure that units of local government are informed of this action.

It has been determined that the Regulatory Flexibility Act is not applicable to this proposed rule since the CCC is not required by 5 U.S.C. or any other provision of law to publish a notice of rulemaking with respect to the subject matter of the proposed rule.

The Commodity Credit Corporation Charter Act (15 U.S.C. 714) provides authority for CCC to conduct a number of operations to stabilize, support, and protect farm income and prices. Section 4(h) of the CCC Charter Act provides that the Corporation shall not acquire real property in order to provide storage facilities for agricultural commodities, unless CCC determines that private facilities for the storage of such commodities are inadquate.

Further, Section 5 of the CCC Charter Act provides that in carrying out the Corporation's purchasing and selling operations, and in the warehousing, transporting, or handling of agricultural commodities, CCC is directed to use, to the maximum extent practicable, the usual and customary channels, facilities, and arrangements of trade and commerce.

Accordingly, CCC has set forth standards of approval which must be met by warehousemen before CCC will enter into storage agreements with such warehousemen for the storage of agricultural commodities which are owned by CCC or which are serving as collateral for CCC price support loans.

The Omnibus Budget Reconciliation Act of 1981, Public Law 97-35, requires the Secretary of Agriculture or his designee to assess user fees with respect to all warehouses licensed under the United States Warehouse Act. The user fees would be paid by federally licensed warehousemen to the Agricultural Marketing Service (AMS) to defray the costs of (1) warehouse examinations; (2) licenses issued to classify, inspect, grade, sample, or weigh agricultural commodities stored; and (3) warehouse licenses issued, amended, modified, extended, or reinstated. Since CCC contracts with federally licensed warehouses in the conduct of its business and thereby benefits from the services under the United States Warehouse Act, it has been proposed that CCC should pay a portion of the costs of these services.

The major service of AMS used by CCC is the report of periodic examinations of warehouses under the United States Warehouse Act. CCC, for its own protection, also requires the periodic examination of warehouses not licensed under the United States Warehouse Act. Under a proposed agreement with AMS, the warehouseman and CCC will together pay the cost representing user fees as mandated by the Omnibus Budget Reconcilation Act for those warehouses which are licensed under the United States Warehouse Act but which also have Uniform Grain or Rice Storage Agreements.

CCC now pays a portion of the costs incurred in the examinations of warehouses which are performed by States under Federal/State Cooperative Agreements. In addition, CCC now pays AMS all of the examination costs for those warehouses which have UGSA/URSAs but which are not federally licensed or licensed in States having Federal/State Cooperative Agreements. As a result of the assessment by AMS of user fees, the difference in costs among the three groups of warehouses under contract with CCC, which are specified above, could result in some warehouses withdrawing from the United States Warehouse Act program without any subsequent loss of their ability to

remain on the list of CCC approved warehouses. Since CCC now pays 100 percent of the costs of examining warehouses operating under the UGSA or URSA, such warehousemen could withdraw from the United States Warehouse Act program and still receive the advantages of AMS examinations with CCC paying all of the costs of such examinations.

Since other warehouse customers derive an indirect benefit from CCC's examination of UGSA and URSA warehouses, it is proposed that CCC, effective July 1, 1982, pay only a portion of the total costs of that examination under the UGSA and URSA. The remaining costs of examining UGSA and URSA warehouses would be obtained from the collection of contract fees from the warehousemen. Contract fees for UGSA and URSA warehouses would be based on the same formula as the formula used to assess fees for federally licensed warehouses. This proposal would establish parity between federally licensed warehouses and warehouses approved under the UGSA and URSA and distribute administrative costs more equitably.

Proposed Rule

Accordingly, it is proposed to amend Subpart—Standards for Approval of Warehouses for Grain, Rice, Dry Edible Beans, and Seed of Part 1421, Title 7 of the Code of Federal Regulations as follows:

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

1. The authority citation for such subpart, Standards for Approval of Warehouses for Grain, Rice, Dry Edible Beans, and Seed, reads as follows:

Authority: Secs. 4 and 5, 62 Stat., 1070, as amended (15 U.S.C. 714).

2. Section 1421.5558 is added to read as follows:

§ 1421.5558 Contract fees.

For each warehouse with a Uniform Grain Storage Agreement or Uniform Rice Storage Agreement which is not licensed under the U.S. Warehouse Act or which is not licensed by a State having a Federal/State Cooperative Agreement for examination of warehouses for Commodity Credit Corporation:

(a) There shall be charged to and collected from the warehouseman for each warehouse approved under the Uniform Grain Storage Agreement and the Uniform Rice Storage Agreement an annual contract fee in accordance with the schedule in paragraph (c) of this section;

(b) There shall be charged to and collected from the warehouseman for each warehouse requesting approval under the Uniform Grain Storage Agreement and Uniform Rice Storage Agreement an initial contract fee in accordance with the schedule in paragraph (c) of this section;

(c) Contract fees collected from warehouses under this section shall be in accordance with the following schedule:

Grain capacity (bushels)	Annual contract fees (dollars)
1 to 150,000	$250
150,001 to 250,000	350
250,001 to 500,000	450
500,001 to 750,000	550
750,001 to 1,000,000	650
1,000,001 to 1,200,000	750
1,200,001 to 1,500,000	850
1,500,001 to 2,000,000	950
2,000,001 to 2,500,000	1,050
2,500,001 to 5,000,000	1,150
5,000,001+	1,250

Signed at Washington, D.C., on December 23, 1981.

Clarence L. Tardy,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81-37449 Filed 12-29-81; 8:45 am]

BILLING CODE 3410-05-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 545

[No. 81-799]

Savings Account Activity Charges and Small Accounts

Dated: December 17, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: These proposed amendments would eliminate existing rules which prohibit Federal savings and loan associations from imposing charges in connection with opening or maintaining savings accounts. The proposed amendments would also eliminate the $50 ceiling for the maximum size of non-interest bearing small accounts offered by Federal Associations. The proposed changes are intended to give associations greater flexibility in structuring classes of accounts, and to provide parity with commercial bank practices.

COMMENTS MUST BE RECEIVED BY: January 29, 1982.

ADDRESS: Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street NW., Washington, D.C. 20552.

FOR FURTHER INFORMATION CONTACT: David J. Bristol (202-377-6461).

SUPPLEMENTARY INFORMATION: Pursuant to its continuing goal of relieving Federal savings and loan associations of unnecessary regulatory constraints, the Board is proposing to eliminate certain provisions of 12 CFR 545.1 which prohibit Federal associations from charging any fees for becoming, remaining, or ceasing to be a holder of an account, and adopt a new provision expressly authorizing imposition of such fees. The Board is also proposing to amend 12 CFR 545.3(g) to eliminate the $50 ceiling for the maximum size of small accounts on which interest need not be paid.

The Board believes that allowing Federal associations to impose charges in connection with savings accounts will provide management with increased flexibility and a tool for developing different classes of accounts pursuant to 12 CFR 545.1-1(a)(1). By developing classes of accounts, associations will be able to encourage the size and type of accounts that will be profitable and provide substantial funds for lending. For similar reasons, the Board is proposing to amend § 545.3(g) to allow the management of each Federal association to set the minimum size for interest-bearing accounts. Federal banking agencies impose no similar prohibitions upon institutions subject to their jurisdiction, and therefore these proposed amendments would give Federal associations parity with commercial banks in encouraging or discouraging various types of savings accounts. Finally, as disclosure is currently required with respect to RSU and NOW account transactions, any Federal association imposing charges in connection with a savings account would be required to satisfy the disclosure requirements for such charges set forth in 12 CFR 563.3.

Regulatory Flexibility Act Certification

Pursuant to section 3 of the Regulatory Flexibility Act, Pub. L. No. 96-354, 94 Stat. 1164 (September 19, 1980), the Board certifies that the proposed amendments, if promulgated, would not have a significant economic impact on a substantial number of small entities. The proposed regulations would reduce a number of existing restrictions on the issuance of savings accounts and give institutions greater flexibility in designing such accounts. The Board believes that increased flexibility will benefit institutions but does not believe that the amendments will have a significant economic impact on small institutions.

PART 545—OPERATIONS

Accordingly, the Federal Home Loan Bank Board proposes to amend Part 545, Subchapter C, Chapter V of Title 12, *Code of Federal Regulations*, as set forth below.

1. Section 545.1 is amended by removing paragraph (c), and by revising paragraph (b) to read as follows:

§ 545.1 Savings accounts.

* * * * *

(b) *Fees.* As permitted by the rules for any class of accounts, an association may charge fees in connection with the administration of such accounts.

2. Revise paragraph (g) of § 545.3, to read as follows:

§ 545.3 Time and manner of distribution.

* * * * *

(g) *Small accounts.* An association may, by resolution of its board of directors, determine not to distribute earnings on any savings account of less than a specified minimum amount. An association may also so specify a lower minimum amount for accounts established under a plan offered by the association to children to encourage thrift.

* * * * *

(Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464), Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1947 Supp)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-37085 Filed 12-29-81; 8:45 am]

BILLING CODE 6720-01-M

---

12 CFR Parts 545, 555, and 563

[No. 81-798]

Amendments on Negotiable and Other Certificates of Deposit, Eurodollar Deposits, and Savings Account Loans

Dated: December 17, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed amendments.

SUMMARY: The Board is proposing to reduce current restrictions on savings accounts by: (1) permitting savings accounts with fixed terms ("certificate accounts") to be evidenced by negotiable instruments regardless of denomination; (2) permitting the issuance of certificate accounts for terms of more than 10 years; (3) permitting the issuance of Eurodollar certificates subject only to the term and minimum denomination requirements for certificate accounts generally; and (4) permitting "loophole" certificate accounts without limitation. The proposed amendments would give savings and loan associations with accounts insured by the Federal Savings and Loan Insurance Corporation ("FSLIC") greater flexibility in designing certificate accounts to meet the needs of the institution, its customers and the financial marketplace.

COMMENTS MUST BE RECEIVED BY: January 29, 1982.

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

FOR FURTHER INFORMATION CONTACT: Peter M. Barnett (202-377-6445), Office of General Counsel, at the above address.

SUPPLEMENTARY INFORMATION:

Negotiable Certificates of Deposit

Board regulations governing certificate accounts (12 CFR 545.1-1, 545.1-3, 563.3-1) generally prohibit the issuance of any certificate account evidenced by a negotiable instrument. Exceptions to the prohibition are provided for "marketable" certificates of deposit and Eurodollar certificates issued by Federal savings and loan associations (12 CFR 545.1-5, 545.24-4) and for certificate accounts specifically approved by the Board and "marketable" certificates of deposit issued by other insured institutions (12 CFR 563.3-2, 563.3-3). "Marketable" certificates of deposit and negotiable Eurodollar certificates must be issued in minimum denominations of $100,000 or more.

The Board believe that negotiability may offer important benefits for both insured institutions and their customers by providing an alternative to withdrawal prior to the maturity of a certificate account and the imposition of a penalty for early withdrawal. For institutions, negotiability as an alternative to early withdrawal can provide certainty as to the term of a deposit, thus permitting more effective asset/liability management. For savers, negotiability can provide increased liquidity for certificate accounts and the opportunity to realize capital gains if interest rates decline subsequent to the purchase of a certificate. In addition, title II of the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. 96-221, 94 Stat. 136 (March 31, 1980)) has charged the Depository Institutions Deregulation Committee with removing limitations on rates paid on savings accounts. Since commercial banks are not restricted in issuing negotiable certificates, the Board desires to give insured institutions full flexibility to compete with other depository institutions as deregulation of savings accounts unfolds.

Therefore, the Board is proposing to amend §§ 545.1-1, 545.1-3 and 563.3-1 to permit institutions to issue certificate accounts evidenced by negotiable instruments regardless of denomination. These amendments obviate the need for special regulations governing "marketable" certificates of deposit (§§ 545.1-4 and 563.3-3), and the proposal would rescind those regulations. The proposal would permit negotiable certificates of deposit to be issued pursuant to regulations governing certificate accounts generally, subject only to the requirement that the opinion of counsel to be filed with the FSLIC along with the certificate form must state expressly that the certificate would constitute a negotiable instrument pursuant to applicable law.

Institutions should note that negotiable certificates would be subject to the limitations on the maximum rate of return of 12 CFR Parts 526 and 1204. In addition, negotiable certificates with an original maturity of less than four years would be subject to the reserve requirements of 12 CFR Part 204 (Regulation D) issued by the Board of Governors of the Federal Reserve System. Lastly, it should be noted that the proposal would eliminate the express authorization contained in §§ 545.1-4 and 563.3-3 permitting institutions to use commercial banks with accounts insured by the Federal Deposit Insurance Corporation to sign and deliver certificate accounts and to collect and transmit funds. Because the regulations applicable to savings account brokerage generally (12 CFR 563.25, 1204.110) apply to all types of certificate accounts, restatement of those provisions of §§ 545.1-4 and 563.3-3 is unnecessary.

Maximum Term of Savings Accounts

Existing regulations (12 CFR 545.1-1, 545.1-3, 563.3-1, 563.3-2) provide that the term of a certificate account shall not exceed 10 years. Since the Board desires to give institutions maximum flexibility in designing certificate accounts, the Board is proposing to eliminate the 10-year limit on their maximum term.

Eurodollar Deposits

The existing regulation (12 CFR 545.24-4) governing the issuance of Eurodollar certificates by Federal associations requires a minimum denomination of $100,000 for certificates

and $10,000 for participations and a minimum maturity of five years. The regulation permits collateralization of Eurodollar certificates only if the aggregate amount of all association assets securing deposits and outside borrowings does not exceed 20 percent of total association assets. Since the Board desires to grant institutions full flexibility in designing certificate accounts, including Eurodollar certificates, the proposed amendments would eliminate the minimum denomination and maturity requirements and make these certificates subject only to the denomination and maturity requirements generally applicable to certificate accounts. Thus, the minimum term for certificates of $100,000 or more would be 14 days and for certificates of less than $100,000 would be 90 days. There would be no maximum maturity and no minimum denomination requirements for either certificates or participations.

The Board also is proposing to conform the FSLIC right to purchase collateral securing Eurodollar certificates to recently proposed changes in the FSLIC right of purchase for secured outside borrowings. *See* Board Resolution No. 81-640 (October 20, 1981); 46 FR 53673 (October 30, 1981). Thus, the FSLIC right of purchase would apply to any secured Eurodollar certificate regardless of the term of the certificate or type of collateral pledged. The collateral pool would be subject to sale or other disposition on behalf of a certificate holder only after the FSLIC received written notice of default and did not exercise its right to purchase the collateral at the proposed sale price. The FSLIC would have 7 days to exercise its right of purchase for any collateral consisting of liquid assets pursuant to 12 CFR 523.10, Government National Mortgage Association guaranteed single-family mortgage-backed securities, or U.S. Department of the Treasury securities; and 30 days to exercise its right to purchase for any other collateral.

Lastly, the Board is proposing to simplify the requirements of the Eurodollar deposit regulation designed to ensure that the certificates are not issued to citizens or residents of the United States, its territories or possessions. All of the certification requirements would be restated in a more succinct form, and the written confirmation to be delivered by underwriters to purchasers would be eliminated.

Savings Account Loans

The Board ruling found at 12 CFR 555.7 (1981) provides that a savings account with a sufficient balance must be in existence before a Federal association may make a loan on the security of that savings account, and that no part of the proceeds of the loan may be used as collateral for the loan. This ruling was based upon the previously limited authority of associations pursuant to the Home Owners' Loan Act of 1933, as amended ("HOLA"), to lend their funds only on the security of shares or on the security of first liens. Subsequently, the Board has authorized associations to raise capital in the form of savings deposits and the HOLA has been amended to expand the lending authority of Federal associations to include expressly loans on all savings accounts. Because of these subsequent developments, the Board has determined that the ruling on savings account loans no longer implements a statutory directive but instead limits the ability of Federal associations to compete with other depository institutions in offering "loophole" certificates. "Loophole" certificates are accounts for which the institution lends the depositor part of the funds necessary to meet minimum deposit requirements. Accordingly, the Board is proposing to rescind § 555.7. This action would permit Federal associations to issue savings accounts funded by the proceeds of a loan secured by the account without limit. Institutions should note, however, that the requirement of 12 CFR 526.2 that the rate of interest on a loan secured by a savings account be equal to at least one percent per year more than the rate of return on the account applies to loophole certificates, and that the penalty on early withdrawal of a loophole certificate is applied to the entire amount of the certificate.

Other Amendments

The Board also desires to make other simplifying and clarifying amendments to its regulations governing savings accounts, as described below:

1. The proposal would restate the filing requirements for Board approval of savings account forms in §§ 545.2 and 563.1. The restatement clarifies that filing is made with the Board's Principal Supervisory Agent (the President of the Federal Home Loan Bank of which the institution is a member) and simplifies current procedure by providing that after 30 days an institution may use the form unless the Principal Supervisory Agent has given written notice of objection to the form.

2. Current regulations permit institutions to pay interest in the form of a discount only in the case of certificates exempt from interest-rate ceilings. Upon consideration, the Board has determined that this restriction is unnecessary as long as the rate of return on a discounted certificate account does not exceed the rates permitted pursuant to 12 CFR Parts 526 and 1204. Therefore, the proposal would eliminate the current restriction on payment of interest in the form of a discount.

3. The proposal would eliminate the current prohibition of redemption provisions in the certificate accounts of insured institutions and provide for disclosure of such provisions.

4. The proposal restates § 563.31 ("Other insurance or guaranty") of the Insurance Regulations to clarify the rules contained therein. The proposed restatement would not affect the substance of § 563.31 as it has been interpreted by opinions of the Office of General Counsel.

5. The proposal would eliminate the requirement currently found in § 545.2 that a Federal association secure and retain signature cards for the owners of savings accounts. The Board believes that associations will use prudent methods of identifying accountholders and that the signature care requirement is unnecessary.

6. Lastly, the proposal would correct an ambiguity that occurred when the Federal Regulations were simplified in July of 1979. At that time the "marketable" certificate regulation was moved from § 545.1-5 to § 545.1-4. However, in the *Code of Federal Regulations* the regulation continues to be published at § 545.1-5 as well as § 545.1-4. The proposal would move the Eurodollar deposit regulation to § 545.1-4 and rescind § 545.1-5.

Regulatory Flexibility Act Certification

Pursuant to section 3 of the Regulatory Flexibility Act, Pub. L. No. 96-354, 94 Stat. 1164 (September 19, 1980), the Board certifies that the proposed amendments, if promulgated, would not have a significant economic impact on a substantial number of small entities. The proposed regulations would reduce a number of existing restrictions on the issuance of certificate accounts and give institutions greater flexibility in designing such accounts. The Board believes that increased flexibility will benefit institutions but does not believe that the amendments will have a significant economic impact on institutions.

Accordingly, the Federal Home Loan Bank Board hereby proposes to amend

Parts 545 and 555 of Subchapter C and Part 563 of Subchapter D, Chapter V of Title 12, *Code of Federal Regulations*, as set forth below.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 545—OPERATIONS

1. Revise paragraph (f) of § 545.1–1 to read as follows:

§ 545.1–1 Rates of return on savings accounts.

* * * * *

(f) *Certificate accounts.* A Federal association's board of directors may authorize a certificate account to receive a rate of return higher than the regular rate but not exceeding the applicable maximum rate of return prescribed for certificate accounts in Part 526 of this chapter. Such account shall be maintained at not less than the applicable minimum amount required by that part for a continuous period, determined by the association, of at least: (1) 90 days or (2) 14 days for a public unit account as defined in § 526.1(m) or an account of $100,000 ($50,000 if the association's home office is in Puerto Rico) or more. The certificate shall be in a form determined by the association's board of directors, set forth in the board's minutes, together with the date after which, and the class of savings for which, the form will be used. The certificate shall comply with the requirements of § 545.2 and provide for penalties for early withdrawal prescribed in § 545.4. Any part of a savings account meeting the amount requirement prescribed by the association under this paragraph may, at the holder's request, be exchanged for one or more certificates, and the association may, at the time of such exchange or on the next regular distribution date, distribute any undistributed earnings and any applicable bonus on the savings account, or part thereof, so exchanged.

* * * * *

2. Amend § 545.1–3 by removing paragraph (d) and revising paragraphs (b) and (c) to read as follows:

§ 545.1–3 Fixed-term savings deposits.

* * * * *

(b) *Payment of interest.* Subject to the provisions of Part 526 of this Chapter, a deposit association may pay interest at the rate determined by the association at the time that the deposit is accepted in accordance with § 545.3 of this Part. The annual rate of return paid on a savings deposit either may be fixed at the time the deposit is accepted or may vary according to a schedule, index or formula specified at the time the deposit is accepted. The term of such savings deposits shall be at least (i) 90 days or (ii) 14 days for a public unit account as defined in § 526.1(m) or an account of $100,000 ($50,000 if the association's home office is in Puerto Rico) or more.

(c) *Form of account.* Fixed-term savings deposits may be issued in the form of a passbook or certificate as determined by the association's board of directors: *provided*, that the form of account makes the disclosures required pursuant to § 545.2 of this Part.

3. Revise § 545.1–4 to read as follows:

§ 545.1–4 Eurodollar deposits.

(a) *Definitions.* As used in this section:

(1) "Eurodollar certificate" means a certificate of deposit, denominated in United States dollars, evidencing a Eurodollar deposit;

(2) "Eurodollar deposit" means a deposit by a person who is not a United States person;

(3) "United States person" means any national or resident of the United States of America, its territories and possessions, including any corporation, trust, estate, or other entity organized under the laws thereof or of any political subdivision thereof; and

(4) "Participation" means an interest or participation in a Eurodollar certificate.

(b) *General.* A Federal association may issue Eurodollar certificates in conformity with this section and § 545.1–1 or § 545.1–3 of this Part. Eurodollar certificates shall be insured pursuant to Part 564 of this Chapter: *provided*, that participations in Eurodollar certificates shall not be separately insured.

(c) *Collateralization of certificates.* Notwithstanding the provisions of §§ 545.24 and 545.1–2 of this Part, an association which is a deposit association as defined in § 545.1–2 of this Part may give security for Eurodollar deposits. For any secured Eurodollar certificate, the terms of the certificate shall provide that the Federal Savings and Loan Insurance Corporation shall receive prompt written notification of any default on the obligation and, before a sale or other disposition of any portion of the collateral, that the Corporation shall have thirty days after written receipt of notice of the proposed sale or other disposition to exercise a right to repurchase the collateral at the price to be paid at the sale or to acquire the collateral at the value to be assigned to it in such other disposition: *provided* that, if the collateral consists of liquid assets as defined in § 523.10 of this Chapter, Government National Mortgage Association guaranteed single-family mortgage-backed securities or U.S. Department of the Treasury securities, the Corporation shall have seven days to exercise the rights granted in this paragraph (c).

(d) *Requirements as to distribution.* (1) In exercising authority under this section, an association shall require an undertaking in writing from each purchaser of a Eurodollar certificate or participation therein to the effect that:

(i) If the purchaser is not a dealer, he will not offer, sell or deliver such Eurodollar certificate(s) or participations therein directly or indirectly in the United States of America or its territories or possessions or to nationals or residents thereof, including any corporation, trust, estate or other entity organized under the laws thereof or of any political subdivision thereof; or

(ii) If the purchaser is a dealer, he has not offered, sold or delivered, and agrees that he will not offer, sell or deliver, any such Eurodollar certificate(s) or participations therein directly or indirectly in the United States of America or its territories or possessions or to nationals or residents thereof and he is not purchasing any such Eurodollar certificate(s) or participations therein for the account of any such nationals or residents. Further, if the purchaser is a dealer, he shall agree that he will require the undertaking required by paragraph (d)(1)(i) of this section on any sales of the Eurodollar certificate(s) or participations therein and that he will inform the issuing association promptly if any beneficial ownership by a United States person comes to his attention.

(2) Upon completion of the distribution of any Eurodollar certificates or participations therein, the lead or managing underwriter shall deliver to the issuing association a certification as to the sale stating that to the knowledge of the underwriter no beneficial owner or owners of the Eurodollar certificate(s) or participations therein is a United States person; and, further, that the underwriter has not knowingly sold or offered for sale and will not sell or offer for sale, the Eurodollar certificate(s) or participations therein to any United States person.

(3) To the extent that beneficial ownership of a Eurodollar certificate or participation therein is acquired by a United States person, the return payable thereon will be the maximum permissible rate of return payable on a regular account from the time ownership is acquired by the United States person.

The issuing association shall take the necessary and appropriate action to ensure that the interest paid on a Eurodollar certificate, or that portion of a Eurodollar certificate attributable to a participation, beneficially owned by a United States person, is at the maximum permissible rate of return payable on a regular account of the issuing association.

(4) Upon issuance of any certificate under this section, the issuing association shall provide to the Board such information as the Board's Office of General Counsel and Office of Policy and Economic Research deem necessary for the Board to effectively monitor the use of the authority provided by this section.

(e) *Requirements as to certificates.* Each Eurodollar certificate and participation, including a temporary Eurodollar certificate or participation, shall bear on its face, in boldface type, a legend substantially in the following form:

This Eurodollar certificate has been issued pursuant to a regulation of the Federal Home Loan Bank Board, an agency of the United States government, which requires that the Eurodollar certificate be sold and interest at the amount stated hereon paid, only to purchasers who are not United States nationals or residents, and may not be directly or indirectly offered or sold in the United States of America, its territories or possessions, or to persons who are nationals or residents therof.

(f) *Requirements as to coupons.* Each coupon attached to a Eurodollar certificate or participation shall bear a legend substantially in the following form:

To the extent that beneficial ownership of the Eurodollar certificate or the participation therein to which this coupon appertains is acquired by a United States national or resident of the United States of America or its territories and possessions, including any corporation or other entity organized under the laws thereof or any political subdivision thereof, the return payable thereon will be the maximum permissible rate of return payable on a regular account of the association.

(g) *Pooling of certificates.* Notwithstanding the provisions of § 531.11 of this Chapter, a Federal association may engage in pooling or participate in pooling funds, or soliciting or promoting pooled accounts in connection with the issuance of a Eurodollar certificate in conformity with this section.

§ 545.1-5 [Removed]

4. Section 545.1-5 is removed.

5. Revise § 545.2 to read as follows:

§ 545.2 Evidence of account.

(a) *Evidence of account.* At the time of opening a savings account, a Federal association shall issue to the accountholder evidence of the accountholder's interest of the account and written evidence of the terms of the account contract. No form of account shall be issued without compliance with the requirements of paragraph (b) of this section.

(b) *Filing.* Prior to issuing any form of saving account, an association shall file with the Board (1) the form of account and (2) an opinion of its legal counsel that the form complies with the requirements of applicable law and regulations and the association's charter and bylaws. If the account is issued in negotiable instrument form, the opinion must state expressly that the form so qualifies under applicable law. Filing shall be made by delivering a copy of the form and legal opinion to the Board's Principal Supervisory Agent (as defined in § 545.14(a)(3) of this Part). The association may issue accounts in the form filed on the earlier of (i) the receipt by the association of written notice from the Principal Supervisory Agent that it has no objection to the form or (ii) 30 days after filing the form and opinion as evidenced by return receipt for certified or registered mail without receipt of written notice from the Principal Supervisory Agent that he has objection to the form. The association shall retain a copy of the legal opinion required by this paragraph for as long as accounts in that form are outstanding. The requirements of this paragraph shall not apply if an association issues a form of savings account that has been approved by the Board for use by Federal associations.

(c) *Disclosure.* Each certificate evidencing a fixed-term savings deposit authorized under § 545.1-3 of this Part or a certificate account authorized under § 545.1-1(f) of this Part, whether incorporated in an account book or printed as a separate certificate, shall display in easily-read type:

(1) The rate or anticipated rate of earnings to be paid, the basis, frequency, extent and limits of any variation in the rate over the term of the account, and the dates or frequency at which earnings are distributable;

(2) The amount of the account and the date on which it is issued;

(3) The minimum term (or for a savings deposit, the term) and minimum-balance requirement;

(4) Any provisions limiting the right of the holder to withdraw all or any portion of the account prior to its maturity;

(5) The penalty or penalties for withdrawal prior to expiration of the term;

(6) Any provision relating to redemption, repurchase or acceleration;

(7) Any provision relating to renewal when the term expires;

(8) Any provision relating to earnings after expiration of the term or any renewal period; and

(9) A provision converting the rate of return on the deposit, whenever the minimum balance may cease to be met, to the maximum return on a regular savings deposit.

(d) *Ownership of record.*—(1) *General rule.* Savings accounts of a Federal association shall be transferable only on the association's books on proper application by the transferee and acceptance of the transferee as a member on terms approved by the board of directors. An association may treat the holder of record of a savings account as the owner, regardless of any notice to the contrary, until the savings account is transferred on the association's books.

(2) *Exception.* Subparagraph (d)(1) of this section notwithstanding, an association may issue negotiable certificates in bearer form without recording ownership on the books of the association: *provided,* that the association's charter provisions regarding membership and voting shall not apply to such certificates.

(e) *Duplicate evidence of account.* Except for accounts issued in negotiable instrument form, an association shall issue a new evidence of account in the name of the holder of record, if the holder of record, or the legal representative of the holder, files an affidavit with the association that the accountholder's evidence of account was lost or destroyed, and that no part of the account has been pledged or assigned. The association's board of directors may require bond sufficient to indemnify the association against any loss that might result from issuance of the new evidence of account.

§ 545.24-4 [Removed]

6. Section 545.24—4 is removed.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 563—OPERATIONS

7. Revise § 563.1 to read as follows:

§ 563.1 Form of account.

(a) *Submission for approval.* At the time of the application for insurance, every applicant (except a Federal savings and loan association) shall submit to the Corporation for approval copies of all savings account, checking

account, share, membership, stock and demand or time deposit certificates, passbooks, and other forms of investment contracts proposed to be issued by the applicant as an insured institution. An applicant also shall submit for approval its charter, constitution, and bylaws, and all amendments thereto, affecting its securities and investment contracts. No insured institution (except a Federal savings and loan association) shall issue any form of checking or savings accounts, share, stock, membership or deposit certificates, passbooks, or other investment contract unless it has complied with the requirements of paragraph (b) of this section; but this approval requirement shall not apply with regard to forms for NOW accounts. Any insured institution which amends its charter, constitution, or bylaws affecting its securities or investment contracts shall promptly transmit such amendments to the Corporation for approval. Except with the written approval of the Corporation, no insured institution may issue or have outstanding any class of insured account having preference, whether as to time or amount in the event of liquidation, over any other class of insured account: *provided* that, where there may be a change from one type of account to another, a reasonable time, to be determined by the Corporation, may be allowed to effect such change. Each insured institution shall cause a true copy of its charter and bylaws and all amendments thereto to be available to members at all times in each office of the institution, and shall upon request deliver to any member a copy of such charter, constitution, bylaws, and amendments.

(b) *Filing.* Prior to issuing any form of savings account, an insured institution shall file with the Corporation (1) the form of account and (2) an opinion of its legal counsel that the form complies with the requirements of applicable law and regulations and the institution's charter and bylaws. If the account is issued in negotiable instrument form, the opinion must state expressly that the form so qualifies under applicable law. Filing shall be made by delivering a copy of the form and legal opinion to the Corporation's Principal Supervisory Agent (as defined in § 545.14(a)(3) of this Chapter). The institution may issue accounts in the form filed on the earlier of (i) the receipt by the institution of written notice from the Principal Supervisory Agent that he has no objection to the form or (ii) 30 days after filing the form and opinion as evidenced by return receipt for certified or registered mail without receipt of written notice from the Principal Supervisory Agent that he has objection to the form. The institution shall retain a copy of the opinion for as long as accounts in that form are outstanding. The requirements of this paragraph shall not apply if an institution issues a form of savings deposit that has been approved by the Corporation for use by insured institutions.

8. Amend § 563.3–1 by Revising paragraphs (c) and (d) to read as follows:

§ 563.3–1 Fixed-term accounts (certificate accounts).

* * * * *

(c) *Limitations.* In issuing certificate accounts, no institution shall:

(1) Provide for the payment of interest or the distribution of earnings on any certificate account in excess of the applicable maximum rate of return prescribed in Part 526 of this Chapter;

(2) Accept any fixed-term account of less than $100,000 for a term of less than 90 days (14 days for a public unit account as defined in §526.1(m) of this Chapter);

(3) Accept any fixed-term account of $100,000 or more for a term of less than 14 days;

(4) Provide for withdrawal from any certificate account prior to the expiration of its term, except as provided in paragraph (f) of this section; or

(5) Issue any form of certificate account, unless the institution has complied with the requirements of § 563.1 of this Part.

(d) *Disclosure.* Each certificate account shall include in its provisions and display in easily-read type:

(1) The rate or anticipated rate of earnings to be paid, the basis, frequency, extent and limits of any variation in the rate over the term of the account, and the dates or frequency at which earnings are distributable;

(2) The amount of the account and the date on which it is issued;

(3) The minimum term (or for a savings deposit, the term) and minimum-balance requirement;

(4) Any provisions limiting the right of the holder to withdraw all or any portion of the account prior to its maturity;

(5) The penalty or penalties for withdrawal prior to expiration of the term;

(6) Any provision relating to redemption, repurchase or acceleration;

(7) Any provisions relating to a renewal when the term expires;

(8) Any provisions relating to earning after expiration of the term or any renewal period; and

(9) A provision covering the rate of return on the certificate account, whenever the minimum balance requirement may cease to be met, to the maximum return on a regular account as defined in § 526.1(d) of this Chapter.

9. Amend § 563.3–2 by revising subparagraphs (b)(3)(i) and (b)(4), to read as follows:

§ 563.3–2 Certificates evidencing other accounts.

* * * * *

(b) *Limitations.* * * *

(3)(i) Issue any certificate account of less than $100,000 with a term of less than 90 days (14 days for a public unit account as defined in § 526.1(m) of this Chapter), or (ii) issue any certificate account of $100,000 or more with a term of less than 14 days;

* * * * *

(4) Issue any form of certificate under this section, unless the institution has complied with the requirements of § 563.1 of this Part; or

* * * * *

§ 563.3–3 [Removed]

10. Section 563.3–3 is removed.

11. Revise § 563.31 to read as follows:

§ 563.31 Other insurance or guaranty.

(a) *General rule.* An insured institution shall not acquire any insurance or guaranty of all or any part of the accounts of such insured institution in addition to the insurance provided by title IV of the National Housing Act. As used in this section, the term "accounts" shall have the same meaning as the term "withdrawable or repurchaseable shares, investment certificates, or deposits" where used in subsection (a) of section 405 of the National Housing Act, except that the term "accounts" shall not include borrowings.

(b) *Exceptions.* Paragraph (a) of this section notwithstanding:

(1) A Federal savings and loan association may acquire bond or security pursuant to § 545.24–2 of this Chapter; and

(2) To the extent that it has legal power to do so, an insured institution that is not a Federal association may acquire bond or security in conformity with § 545.24–2 as if such institution were a Federal deposit association as defined in § 545.1–2 of this Chapter.

(Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); secs. 402, 403, 48 Stat. 1256, 1257, as amended (12 U.S.C. 1725, 1726); Reorg. Plan

No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-37086 Filed 12-29-81; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Geological Survey

30 CFR Part 211

43 CFR Part 3400

Public Information Briefings on Proposed Rulemaking on Federal Coal Management Program

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public information briefings.

SUMMARY: Proposed rulemakings by the Bureau of Land Management and by the Geological Survey were published in the **Federal Register** on December 16, 1981 (46 FR 61390, 61424). The proposed rulemakings, which make revisions in the Federal coal leasing program appear at 43 CFR Part 3400 and 30 CFR Part 211, are coordinated and cross-referenced. The public information briefings announced in this notice are designed to provide the public with information on the proposed rulemakings and to provide the public with a forum where they may discuss the proposed rulemaking with the staffs of the Bureau of Land Management and the Geological Survey. It is hoped that these discussions will aid the public in the formulation of their comments on the proposed rulemakings. The comment period on the proposed rulemakings closes on February 16, 1982.

DATES: Briefings to be held January 11, 13, and 15, 1982 at 2:00 p.m. and 7:00 p.m.

ADDRESSES: The public information briefings on the proposed rulemakings are schedule to be held in the following locations:

Salt Lake City, Utah, Salt Palace, Room 220—Monday, January 11, 1982, 2:00 p.m. and 7:00 p.m.

Casper, Wyoming, Ramada Inn—Wednesday, January 13, 1982, 2:00 p.m. and 7:00 p.m.

Farmington, New Mexico, Farmington Civic Center, Room C, 200 West Arrington—Friday, January 15, 1982, 2:00 p.m. and 7:00 p.m.

FOR FURTHER INFORMATION CONTACT:

James W. Monroe, Bureau of Land Management (130), 1800 C Street, NW., Washington, D.C. 20240, (202) 343–9435, or

Monte Jordan, Bureau of Land Management (540), 1800 C Street, NW., Washington, D.C. 20240, (202) 343–4636

James M. Parker,

Acting Director.

December 24, 1981.

[FR Doc. 81-37142 Filed 12-29-81; 8:45 am]

BILLING CODE 4310-84-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Docket No. AH036VA; A-3-FRL-1995-2]

State of Virginia; Proposed Revision of the Virginia State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Commonwealth of Virginia has submitted a revision to the Virginia State Implementation Plan (SIP). This revision is intended to meet the newly promulgated SIP requirements at 40 CFR 51.18(j) (45 FR 52676, August 7, 1980) for new source review for nonattainment purposes. This is a substantive revision of the Virginia Regulations for the Control and Abatement of Air Pollution.

DATE: Comments must be submitted on or before January 29, 1982.

ADDRESSES: Copies of the proposed SIP revision and the accompanying support documents are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Air Media & Energy Branch, Curtis Building, Sixth & Walnut Streets, Philadelphia, Pennsylvania 19106, Attn: Ms. Carol D. Peters

Virginia State Air Pollution Control Board, Room 801, Ninth Street Office Building, Richmond, Virginia 23219, Attn: Mr. John M. Daniel, Jr.

Public Information Reference Unit, EPA Library, Room 2922, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

All comments on the proposed revision submitted on or before January 29, 1982 will be considered and should be submitted to Mr. James E. Sydnor at the EPA Region III address stated above.

FOR FURTHER INFORMATION CONTACT:

Ms. Carol D. Peters at the Region III address stated above or call 215/597–9139.

SUPPLEMENTARY INFORMATION: On August 18, 1981 the Commonwealth of Virginia submitted a revision to the Virginia (SIP). This revision consists of the relocation of the new source review provisions for major stationary sources locating in nonattainment areas from Part II, General Provisions, to Part VIII, Permits—Major Stationary Sources and Major Modification, Prevention of Significant Deterioration Areas or Nonattainment Areas, of the Regulations for the Control and Abatement of Air Pollution. The provisions that are being relocated are also undergoing substantive modifications. Amendments are also included to Part I, Definitions, Part IV, Rule EX–4 Emission Standards for Particulate Emissions from Manufacturing Operations and Rule NS–4 Standards of Performance for Stationary Sources, and Part V, Special Provisions, as necessary to facilitate the above relocation. The revision is intended to meet the newly promulgated SIP requirements at 40 CFR 51.18(j), for new source review for nonattainment purposes.

The Commonwealth provided proof that after adequate public notice, public hearings were held with regard to these amendments. These hearings were held in accordance with the public hearing and notice requirements of 40 CFR 51.4 and all relevant State procedural requirements.

I. Part V Regulations

The Commonwealth of Virginia has requested that Part V be considered as part of the SIP because of recent additions to Part V. In the past, EPA had considered it for informational purposes only. Part V was first submitted August 14, 1975. Amendments to Part V were submitted October 20, 1976, September 20, 1978, September 6, 1979, September 21, 1979 and August 18, 1981.

Part V consists of Special Provisions, Standards of Performance for Visible Emissions and Fugitive Dust/Emissions (Rule NS–1), Standards of Performance for Odorous Emissions (Rule NS–2), Environmental Protection Agency Standards of Performance for New Stationary Sources (Rule NS–3), and Standards of Performance for Stationary Sources (Rule NS–4). EPA does not govern odorous emissions, and therefore will not act upon Rule NS–2. EPA delegated the authority for the Standards of Performance for New Stationary Sources (NSPS) to the Commonwealth of Virginia on December 30, 1975. The delegation was announced in the **Federal Register** on February 26, 1976 (41 FR 8346). Therefore, it is not necessary for EPA to act upon Rule NS–

3. In many cases, the Commonwealth has submitted amendments to the same regulations in Part V at different times over the past several years. In these instances, only the most recent version is being considered for review as a revision to the Virginia SIP. Because of the number of revisions being addressed today, the submittal date of each is shown in parenthesis.

Regulation/Section	Brief description
Special Provisions:	
5.01(8/14/75)	*Applicability.*—Part V shall be applicable to new and modified sources.
	Compliance
5.02 (a) (9/20/78)	Determines time limit for a new or modified source to be in compliance and which performance tests should be used.
(b) (10/20/76)	Requires new or modified sources to conduct performance tests.
(c) (10/20/76)	Requires installation, calibration, maintenance, and operation of monitoring and recording equipment.
(d) (10/20/76)	Provides for notification and reporting as required by this part.
(e) (9/20/78)	Requires owners to maintain and operate any affected facility and associated air pollution control equipment in a manner consistent with good air pollution control practices.
(f) (9/6/79)	*Stack Heights.*—Compliance with standards of performance as affected by stack height.
5.03 (10/20/76)	*Performance Testing.*—Details when, how to conduct, and how to report test methods and procedures.
5.04 (a) (9/20/78), (b)–(d) (10/20/76), (e) (9/20/78), (f) (10/20/76).	*Monitoring.*—Details regulations for continuous monitoring and recording emissions and alternatives.
5.05 (10/20/76)	*Notification, Records, and Reporting.*—Details the notification system, which records to maintain and reporting requirements.

RULE NS–1.—STANDARDS OF PERFORMANCE FOR VISIBILE EMISSIONS AND FUGITIVE DUST/EMISSIONS

Regulation/Section	Brief description
5.10 (9/20/78)	*Applicability and Designation of Affected Facility.*—Applicability of the provisions of this rule.
5.11	Reserved.
5.12 (9/21/79)	*Standard for Visible Emissions.*—Standard is given with an exception for one six-minute period in any one hour of not more than 30 percent opacity.
5.13 (8/14/75)	*Standard for Fugitive Dust/Emissions.*—Details precautions which may be used to prevent particulate matter from becoming airborne.
5.14 (9/20/78)	*Monitoring.*—Provisions for providing notifications and reports and maintaining records and monitoring results.
5.15 (9/20/78)	*Test Methods and Procedures.*—Reference Method 9 or any alternative method shall be used to determine compliance with the standard prescribed in § 5.12.
5.16 (9/20/78)	*Waivers.*—Provisions for granting waivers from the opacity emission limitation in Section 5.12.
5.17 (8/14/75)	*Traffic Hazard.*

RULE NS–4.—STANDARDS FOR PERFORMANCE FOR STATIONARY SOURCES

Regulation/Section	Brief description
5.40 (9/6/79)	*Applicability and Designation of Affected Facility.*—For this rule.
5.41	Reserved.
5.42 (8/18/81)	*Standard for Stationary Sources.*—Affected facilities must comply with any applicable standard of performance, best available control technology (BACT) or any condition that may be placed upon the permit approval.
5.43 (8/18/81)	*Standard for Major Stationary Sources.*—(Nonattainment Areas)—Requirements for compliance with lowest achievable emission rate (LAER) for major stationary sources locating in nonattainment areas.
5.44 (8/18/81)	*Standard for Major Stationary Sources.*—(Prevention of Significant Deterioration Areas)—Requirements for compliance with BACT for major sources locating in PSD areas.
5.45 (9/6/79)	*Compliance With Other Standards.*

It should be noted that, under the terms of the delegation of authority of the NSPS program to the Commonwealth, the NSPS delegation takes precedence over any conflicting portion of the State regulations. Specifically, the Commonwealth is not authorized to establish equivalent or alternative test methods to which the Federal NSPS provisions apply.

EPA Evaluation: Part V, as submitted on the dates indicated above, has been reviewed and found to be acceptable except for section 5.02(f).

Section 5.02(f) repeats an ambiguous regulation (4.02(g)(4)) that EPA has previously noted as needing revising 45 FR 64218: September 29, 1980). This regulation should be revised as noted or eliminated because stack heights and supplementary control systems should not be considering in determining compliance with emission standards.

Section 5.02(a)(2) and 5.15 are acceptable but would be less ambiguous if the Commonwealth would add the phrase "if an alternative methods is specified in the permit" after the words "alternative method" in the first sentence of each. This addition would specify what methods the source would be using to determine compliance with the appropriate standard.

II. Relocation of New Source Review Provisions for Nonattainment Areas

The relocation of the new source review provisions for major stationary sources locating in nonattainment areas from Part II, General Provisions, to Part VIII, Permits—Major Stationary Sources and Major Modifications, also affects provisions in Part I, Definitions, Part IV, Rule EX–4 Emission Standards for Particulate Emissions from Manufacturing Operations and Rule NS–4 Standards of Performance for Stationary Sources, and Part V, Special Provisions. Part V has been discussed in Section I above. The following is a summary of changes made.

Part I—Definitions

Section 1.02
A. Additions
1. Administrator
2. Begin Actual Construction
3. Best Available Control Technology
4. Class I Area
5. Class II Area
6. Class III Area
7. Emission Unit
8. Federally Enforceable
9. Major Modification
10. Necessary Preconstruction Approvals on Permits
11. Prevention of Significant Deterioration Area
12. Secondary Emissions
13. State Enforceable
14. Uncontrolled Emission Rate

B. Modifications
1. Affected Facility
2. Allowable Emissions
3. Commence
4. Construction
5. Criteria Pollutant

6. Fugitive Emissions
7. Major Stationary Source
8. Modification
9. Potential to Emit
10. Public Comment Period
11. Reconstruction
12. Stationary Source

C. Relocated to Section 8.02
1. Lowest Achievable Emission Rate
2. Nonattainment Pollutant
3. Qualifying Pollutant
4. Reasonable Further Progress

Regulation/Section	Brief description
Part II	*General Provisions.*
2.31	Permits will now be issued under § 2.33 and Part VIII.
2.33(a), (b), (c), (d), (e), (g), (k), (m)	Provisions of §§ 8.01 or 8.02 shall prevail where there is a conflict with § 2.33, provisions relating to major stationary sources locating in nonattainment areas, are relocated to § 8.02. Significant emission rates are established.
Part IV:	
Rule EX–4	*Emission Standards for Particulate Emissions from Manufacturing Operations.*
4.41 (b)(4)	Relocated hot mix asphalt plant provisions are moved to § 2.33(g)(5).
Part VIII	*Permits—Major Stationary Sources and Major Modifications, Prevention of Significant Deterioration Areas or Nonattainment Areas.*
Preface	Instructions for the applicability of the three permitting sections, §§ 2.33, 8.01 and 8.02.
8.02	*Permits—Major Stationary Sources and Major Modifications Locating in Nonattainment Areas—new section.*
(a)	Definitions—Relocated or added:
	Stationary Source.
	Building, Structure, Facility.
	Installation.
	Potential to Emit.
	Major Stationary Source.
	Major Modification.
	Net Emission Increase.
	Emission Unit.
	Reconstruction.
	Fixed Capital Cost.
	Secondary Emissions.
	Fugitive Emissions.
	Significant.
	Allowable Emissions.
	Actual Emissions.
	Lowest Achievable Emission Rate.
	Federally Enforceable.
	Begin Actual Construction.
	Commence.
	Necessary Preconstruction Approvals or Permits.
	Construction.
	Nonattainment Pollutant.
	Qualifying Pollutant.
	Reasonable Further Progress.
	Administrator.
(b)	*General.*
(c)	*Applications.*
(d)	*Information Required.*
(e)	*Standard/Conditions for Granting Permits.*
(f)	*Action on Permit Application.*
(g)	*Emission Testing for Stationary Sources.*
(h)	*Revocation of Permit.*
(i)	*Existence of Permit No Defense.*
(j)	*Application Review and Analysis.*
(k)	*Circumvention.*
(l)	*Interstate Pollution Abatement.*
(m)	*Offsets.*
(n)	*Exceptions.*
Appendix L	*Prevention of Significant Deterioration Areas—new appendix.*

It should be noted that the Commonwealth now has definitions under three sections: 1.02, 8.01 and 8.02. Section 1.02 definitions are those that apply generally, over all of the State Regulations. The definitions in § 8.01 apply only to that section. Section 8.01 contains the regulations, *Permits—Major Stationary Sources and Major Modifications Locating in Prevention of Significant Deterioration Areas (PSD).* The Commonwealth has received the delegation of authority from EPA to implement and enforce the PSD program (46 FR 29707 and 29753; June 3, 1981). The definitions contained in Section 8.02 are applicable to sections 8.02 and 5.43. The definitions of sections 8.01 and 8.02 shall take precedence over those in section 1.02 in the appropriate sections.

EPA Evaluation: The changes to Parts I, II, IV, and VIII, as summarized above, have been reviewed by EPA and are acceptable.

The definitions that are added or modified in Section 1.02 are acceptable for the general areas of the regulations. The relocation of several of the definitions from this section to section 8.02 are acceptable as they are more specifically for that section of the regulations.

The changes to Part II, General Provisions, and Part IV, Rule EX–4, Emission Standards for Particulate Emissions from Manufacturing Operations, are a result of the relocation of the permitting for major stationary sources and major modifications locating in nonattainment areas. As there are now similar provisions in section 8.02, these changes are acceptable.

Part VIII, section 8.02 is a new section and has been found to meet the newly promulgated requirements of 40 CFR 51.18(j).

Appendix L specifies which areas are subject to the PSD regulations for each criteria pollutant. Appendix L is acceptable.

Based on the above discussion, the Environmental Protection Agency is proposing to approve this SIP revision, pending submission of the correction to section 5.02(f) as indicated in the discussion of that section.

The public is invited to submit to the address stated above comments on whether the amendment to the Commonwealth of Virginia's regulations should be approved as a revision of the Virginia SIP.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action, if promulgated, only approves State actions and imposes no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities (46 FR 8709; January 27, 1981). This action, if promulgated, constitutes a SIP approval under sections 110 and 172 within the terms of the January 27 certification. This action only approves State actions. It imposes no new requirements.

(42 U.S.C. 7401–642)

Dated: November 12, 1981.

Peter N. Bibko,

Regional Administrator.

[FR Doc. 81–37188 Filed 12–29–81; 8:45 am]

BILLING CODE 6560–38–M

40 CFR Part 180

[PP OE2398/P209; PH-FRL-2014-4]

Atrazine; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that a tolerance be established for residues of the herbicide atrazine. This proposed amendment to establish a maximum permissible level for residues of atrazine in or on guava was submitted by the Interregional Research Project No. 4 (IR-4).

DATE: Comments must be received on or before January 29, 1982.

ADDRESS: Written comments to: Donald Stubbs, Emergency Response Section, Registration Division (TS-767C), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs (703-557-7123).

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition number OE2398 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of Hawaii.

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 combined residues of the herbicide atrazine (2-chloro-4-ethylamino-6-isopropylamino-*s*-triazine) and its metabolites in or on guava at 0.25 part per million (ppm). The petition was later revised to propose a tolerance of 0.05 ppm atrazine *per se* in or on guava.

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 for atrazine were a 2-year rat chronic feeding/oncogenic study with a no-observable-effect level (NOEL) of 100 ppm; a 2-year dog chronic feeding study with a NOEL of 150 ppm; a 3-generation rat reproduction study with a NOEL of 100 ppm (highest level fed). Data lacking for this pesticide include teratology studies in two mammalian species (preferably the rat and rabbit) and an oncogenicity study in mice (using technical material).

The acceptable daily intake (ADI), based on the 2-year dog feeding study (NOEL of 3.750 mg/kg/day) and using a 100-fold safety factor, is calculated to be 0.0375 mg/kg of body weight (bw)/day. The maximum permitted intake (MPI) for a 60-kg human is calculated to be 2.25 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5 kg daily diet is calculated to be 0.0769 mg/day. The current action will utilize 0.01 percent of the ADI. Published tolerances utilize 3.42 percent of the ADI.

The nature of the residues is adequately understood and an adequate analytical method (gas-liquid chromatography with a microcoulometric detector) is available for enforcement purposes. There are presently no actions pending against the continued registration of these chemicals.

Based on the above information considered by the Agency, the tolerance established by amending 40 CFR 180.220 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, which contains any of the ingredients listed herein, may request, on or before January 29, 1982, that this proposed rulemaking 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 this proposed regulation. Comments must bear a notation indicating the document control number "[PP 0E2398/P209]". 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.

As required by Executive Order 12291, the EPA has determined that this proposed rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this proposed regulation from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

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: December 30, 1981.

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

Dated: December 10, 1981.

Robert V. Brown,

Acting 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 180.220 be amended by adding and alphabetically inserting the raw agricultural commodity "Guava" in paragraph (a) to read as follows:

§ 180.220 Atrazine; tolerances for residues.

(a) * * *

Commodity	Part per million
* * * * *	
Guava	0.05
* * * * *	

[FR Doc. 81-36790 Filed 12-29-81; 8:45 am]

BILLING CODE 6560-32

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 61

[Docket No. FEMA-FIA]

National Flood Insurance Program Coverage, Sales and Loss Prevention Provisions

AGENCY: Federal Insurance Administration (FIA), Federal Emergency Management Agency (FEMA).

ACTION: Proposed rule.

SUMMARY: This rule will revise the National Flood Insurance Program (NFIP) regulations dealing with flood insurance coverage and the Standard Flood Insurance Policy (SFIP) terms and provisions. The purpose of the amendment is to revise the Program regulations to reflect improvements in the Flood Insurance Manual used by private sector property insurance agents and brokers in producing flood insurance business, coverage changes in the contract of flood insurance, and advances in flood hazard mitigation engendered by the President's Executive Order 11988 and FEMA's implementing regulations, at 44 CFR Part 9. In the case of the SFIP, Dwelling Form, the

amendment will also result in a more readable flood insurance contract, consistent with private sector personal insurance lines practices.

DATE: All comments received on or before February 11, 1982, will be considered before final action is taken on the proposed rule.

ADDRESS: Persons wishing to comment should submit comments in duplicate to the Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, Washington, D.C. 20472.

FOR FURTHER INFORMATION CONTACT: Donald L. Collins, Federal Emergency Management Agency, Federal Insurance Administration, 500 "C" Street, S.W., Room 429, Washington, D.C. 20472, Telephone Number (202) 287-0740.

SUPPLEMENTARY INFORMATION: In these proposed amendments excessive legalese in the dwelling owner's policy form will be replaced, in considerable degree, with colloquial language more readily understandable to the lay person. Also, risk management will be enhanced by the addition of coverage restrictions keyed to the reduction of high risk flood losses. It is believed that this approach will contribute toward a more fiscally self-sufficient National Flood Insurance Program and assist materially in the realization of the Agency's hazard mitigation goals.

Accordingly, the substantive amendments to the Standard Flood Insurance Policy and related rules will provide, as follows:

1. In the Insuring Agreement and Definitions section of the SFIP, at Part 61, Appendix A, that the policy responds only to direct *physical* loss by flood to the insured property.

2. In providing contents coverage for personal property, the $500 limitation of coverage for works of art, gems, precious metals, jewelry and the like will be reduced to $250. Such items are easily transported away from flood waters.

3. Buildings located seaward of mean tide, or in, on or partially over water will not be covered.

4. Personal property pollutants will not be covered unless stored at safe elevations.

5. Mobile homes in special flood hazard areas will not be covered unless anchored to resist flotation or lateral movement.

6. In coastal high hazard areas, obstructions below the building's lowest floor, including solid walls, "breakaway" walls, personal property and equipment will not be covered.

7. The deductible will be raised to $500.00 for both buildings and contents losses and a $3,000.00 deductible will be made available as to property in V-Zones, at a commensurate reduction in premium.

8. Definitive provisions regarding cancellation and voidance of the contract of insurance will be added to the policy.

9. Machinery or equipment servicing the insured building below the lowest floor used for rating purposes or not contained within the foundation walls of the insured building will not be covered.

10. A mobile home (and its contents) located within a FEMA designated coastal high hazard area (Zones V1-V30 on a FEMA Flood Insurance Rate Map) which is not located in a mobile home park or subdivision in existence prior to April 1, 1982 will not be covered.

11. Replacement cost coverage will be made available only as to a single family dwelling, which is the principal residence of the insured and which is not a mobile home.

12. Definitive policy renewal procedures will be made a part of the contract of insurance.

13. FEMA is also considering alternative approaches to the provisions on cancellation or avoidance in situations when less than the full premium is paid at the time of the application or renewal. The alternatives include adjustment of the amount of insurance provided or adjustment of the premium as a condition of continued coverage. Comments on these or other possible alternatives are invited and will be considered in the formulation of the final rule.

In the body of Part 61, appropriate changes to the rules have been made to conform them to the proposed revisions of the Standard Flood Insurance Policy.

FEMA has determined based upon an Environmental Assessment that this proposed rule does not have significant impact upon the quality of the human environment. A finding of no significant impact is included in the formal docket file and is available for public inspection and copying at the Rules Docket Clerk, Office of General Counsel, Federal Emergency Management Agency, 500 "C" Street, S.W., Washington, D.C. 20472.

These proposed regulations do not have a significant economic impact on a substantial number of small entities. Such regulations will not be required to undergo regulatory flexibility analysis.

In this connection, the specific policy changes and related rules proposed herein generally are not "significant", within the meaning of the Regulatory Flexibility Act, since most such rules are likely to affect only a relatively few commercial policyholders engaged in activities in respect to which full flood insurance coverage is curtailed by these proposed rules (e.g., manufacturing processes producing pollutants; commercial enterprises carried out beneath ground level). Accordingly, I hereby certify that these proposed regulations do not impact on areas of commerce to any significant degree.

This proposed amendment is not a "major rule" as defined in Executive Order 12291 dated February 17, 1981.

PART 61—INSURANCE COVERAGE AND RATES

Accordingly, Subchapter B of Chapter 1 of Title 44 is proposed to be amended at Part 61 as follows:

1. Section 61.5 (d) and (f) are revised to read as follows:

§ 61.5 Special terms and conditions.

* * * * *

(d) Each loss sustained by the insured is subject to a deductible provision under which the insured bears a portion of the loss before payment is made under the policy. The amount of the deductible for each loss occurrence is (1) for structural (i.e., insured building) losses, $500.00; and (2) for contents (i.e., insured personal property) losses, $500.00. At the policyholder's option, when purchasing a flood insurance policy covering property located in a coastal high hazard area the amount of the deductible for each loss occurrence may be $3,000.00. The loss deductible shall apply separately to each building loss and contents (personal property) loss including, as to each, debris removal and expenses incurred in connection with the removal of insured property away from the peril of flood.

* * * * *

(f) The following property and contents for residential structures are not insurable under the Program:

(1) Accounts, bills, currency, deeds, evidences of debt, money, coins, medals, postage stamps, securities, bullion, manuscripts or other valuable papers or records;

(2) Buildings located seaward of mean tide, or in, on or partially over water; fences, retaining walls, seawalls, outdoor swimming pools, bulkheads, wharves, piers, bridges, docks; other open structures located on or partially over water, including boat houses or other similar structures or buildings into which boats are floated or personal property in the open;

(3) Land values, lawn, trees, shrubs or plants, growing crops, or livestock; underground structures and equipment servicing the building including wells, septic tanks or septic systems; those

portions of walks, driveways and other paved or poured surfaces outside the foundation walls of the structure; and machinery or equipment not contained within the foundations walls of the described building or below the lowest floor used for rating the building in order to calculate the premium paid for the policy of flood insurance;

(4) Animals, birds, fish; aircraft and motor vehicles (other than motorized equipment pertaining to the services of the premises and not licensed for highway use) including their parts and equipment, trailers on wheels, watercraft including their furnishings and equipment; and business property;

(5) Units which are primarily containers, rather than buildings (such as gas and liquid tanks, chemical or reactor container tanks or enclosures, brick kilns, and similar units) and their contents (Silos and grain storage buildings including their contents, may be insured even though they may be of countainer-type construction);

(6) Contents which may become a pollutant to a community during flooding unless such contents are at or above the base flood elevation, or above ground level where there are no established elevations);

(7) Buildings and their contents, including machinery and equipment, which are part of the building, where 50 percent or more of the actual cash value of such buildings is below ground, unless the lowest level is at or above the base flood elevation (in the Regular Program) or the adjacent ground level (in the Emergency Program) by reason of earth having been used as an insulation material in conjunction with energy efficient building techniques;

(8) A mobile home located within a FEMA designated Special Flood Hazard Area that is not anchored to resist flotation or lateral movement by providing ties to ground anchors. This anchorage must be of a kind to resist flotation, collapse, or lateral movement by providing over-the-top and frame to ground anchors.

Specific requirements shall be that (i) over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations and mobile homes less than 50 feet long requiring one additional tie per side; (ii) frame ties be provided at each corner of the mobile home, with additional ties per side at intermediate locations and mobile homes less than 50 feet long requiring one additional tie per side; (iii) frame ties be provided at each corner of the home with five additional ties per side at intermediate points and all components of the anchoring system be capable of carrying a force of 4,800 pounds; and (iv) any additions to the mobile home be similarly anchored;

(9) A mobile home and its contents located within a FEMA designated coastal high hazard area which is not located in a mobile home park or subdivision in existence prior to April 1, 1982.

(10) On and after April 1, 1982, in any Zone V (numbered or unnumbered) identified on a FEMA Flood Insurance Rate Map, obstructions below the building's lowest floor, including solid walls, open wood constructed lattice "breakaway walls", insect screening or other "breakaway walls", and any personal property or other contents located below the building's lowest floor where the initial placement of any part of the aforementioned items occurs on or after April 1, 1982.

* * * * *

2. Section 61.5 (g) and (h) are revised to read as follows:

§ 61.5 Special terms and conditions.

* * * * *

(g) The following property and contents for non-residential structures are not insurable under the Program:

(1) All of the kinds of uninsurable property and contents referenced at paragraph (f) (1) through (10) of this section;

(2) Automobiles including parts and equipment, any self-propelled vehicle or machine, except motorized equipment not licensed for use on public thoroughfares and operated principally on the premises of the insured; watercraft or aircraft.

* * * * *

(h) The following rules provide for voidance or cancellation of coverage issued under a Standard Flood Insurance Policy by the insurer:

(1) Where an error(s) involving a misrating resulting in an underpayment of premium is apparent on the face of the flood insurance application, renewal endorsement or other form, or is caused by any willful misrepresentation or concealment of any material fact, including facts relevant to the rating of a flood insurance risk, by the insured, the agent or any other legal representative of the insured, the entire policy shall be void and all premium funds returned to the insured; in the case of willful misrepresentation or concealment, only, the entire policy shall be void as of the date the wrongful act was committed, and coverage prior to the date of the wrongful act shall not be affected.

(2) Where an error(s) involving a misrating resulting in an underpayment of premium is not apparent on the face of the flood insurance application, renewal, endorsement or other form and has not been willfully made by the insured, agent or other legal representative of the insured, upon discovery of the error by the insurer, the insured shall be given written notice of premium due by the insurer and, provided the insured remits the additional premium due to the insurer within thirty (30) days from the date the notice of additional premium due is mailed, the policy shall be reformed, from its inception date, to provide flood insurance coverage to the insured in the amounts of coverage initially requested by the insured;

(3) Where an error(s) involving a misrating resulting in an underpayment of premium is not apparent on the face of the flood insurance application, renewal, endorsement or other form, the entire policy may be cancelled, at the insurer's option, for nonpayment of premium in the event the insured refuses, after mailing of notice of additional premium due by the insurer, to pay the additional premium. Silence on the part of the insured after thirty (30) days have elapsed from the date of the mailing notice of premium due to the insured's mailing address, as shown on the flood insurance application, shall be deemed to be refusal to pay additional premium within the meaning of this subsection. Upon the insured's refusal to pay the additional premium due, the insurer may cancel the policy, in which case:

(i) The paid premium shall be deemed to be fully earned and the term of the policy shall be reduced by an adjustment reflecting the number of calendar year days (based on a 360 day calendar year) of requested coverage and limits the paid premium will purchase and, with the term thereby reduced, the policy shall continue in force to the end of the adjusted term, at which time the policy shall be deemed cancelled by the insurer and the insured; and

(ii) Paid premiums for policies issued in prior terms shall be deemed fully earned, with a commensurate reduction in the term of any such policy, and, in the event a claim has been paid under any such prior policy which arose after the end of the policy's term, as reduced to reflect the payment of insufficient premium, the insured shall be indebted to the insurer in the amount of the claim, unless, upon written demand for the additional premium due in respect to such prior policy, the insured pays the additional premium within thirty (30)

days from the date of mailing of the written demand.

* * * * *

3. Appendix A(1) referenced at § 61.13, Standard Flood Insurance Policy is revised to read as follows:

Appendix A(1)—Federal Emergency Management Agency, Federal Insurance Administration, Standard Flood Insurance Policy

(Issued Pursuant to the National Flood Insurance Act of 1968, or Any Acts Amendatory Thereof)

Dwelling Form—Insuring Agreement

Agreement of Insurance between the Federal Emergency Management Agency (FEMA), as Insurer (hereinafter known as "we", "our", and "us"), and the Insured (hereinafter known as "you" and "your"). Based upon your having paid the correct amount of premium, our reliance on the accuracy of the information and statements you have furnished in the application for this policy about the property to be insured and subject to all the terms of this policy, the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4001 et seq.), and regulations issued by us (Title 44, Code of Federal Regulations), we insure you and your legal representatives against all "Direct Physical Loss by Flood" to the insured property as defined in the "Definitions Section" of this Agreement to the extent of the actual cash value of the property at the time of loss but not exceeding (1) the cost of replacing the insured building at the time of loss with material of like kind and quality and (2) the actual cash value of any insured personal property at the time of loss.

Now, therefore, in consideration of the foregoing and the mutual promises exchanged herein, we and you agree, further, as follows:

Article I—Persons Insured

We insure only:

A. The named insured and legal representatives;

B. Any mortgagee and loss payee named in the application and declaration page in the order of precedence and to the extent of their interest but for no more, in the aggregate, than the interest of the named insured.

Article II—Definitions

"ACTUAL CASH VALUE" means the replacement cost of an insured item of property in its condition at the time of loss, less the value of physical depreciation as to the item damaged.

"APPLICATION" means the statement made and signed by the Insured, or the Insured's agent, and giving information on the basis of which the Insurer determines the acceptability of the risk, the policy to be issued and the correct premium payment, which must accompany the application for the policy to be issued. The application is a part of this flood insurance policy.

"BUILDING" means a walled and roofed structure, other than a gas or liquid storage tank that is principally above ground and affixed to a permanent site, including a mobile home on foundation, subject to Article V(H), and a walled and roofed building in the course of construction, alteration or repair.

"CANCELLATION" means that ending of the insurance coverage provided by this policy prior to the expiration date.

"DECLARATION PAGE" is a computer generated summary of information furnished by the Insured in the application for insurance. The declarations page is a part of this flood insurance policy.

"DWELLING" means a building designed for use as a residence for no more than four families.

"DIRECT PHYSICAL LOSS BY FLOOD" means any loss in the nature of actual loss of or physical damage to the insured property (building or personal property) which is directly and proximately caused by a "flood" (as defined in this Agreement), while the insured property is located: 1. at the property address shown on the application for this insurance, which is a part of this Agreement; and 2. for forty-five days, at a place to which any of the property shall necessarily be removed by you in order to protect and preserve it from a flood or from the imminent danger of flood (provided, personal property so removed must be placed in a fully enclosed building to be insured against loss), in which case the reasonable expenses incurred by you including the value of your own labor at prevailing Federal minimum wage rates in moving your insured property away from the peril of flood and storing your property at the temporary location shall be reimbursed to you. The term "Direct Physical Loss By Flood" shall not include compensation for loss of use, loss profits, or loss resulting from interruption of business, profession or manufacture, or reimbursement for your additional living expenses, incurred by reason of your having to live in rented quarters while the insured building is being repaired or replaced, or allowance for any increased cost of repair or reconstruction as a result of any ordinance regulating reconstruction or repair, or other economic loss (this enumeration is not exclusive).

"EXPENSE CONSTANT": The expense constant is a flat charge per policy term, paid by the Insured to defray the Federal Government's policywriting and other expenses.

"EXPIRATION DATE" means the ending of the insurance coverage provided by this policy on the expiration date shown on the delaration page.

"FLOOD": Wherever in this policy the term "flood" occurs, it shall be held to mean:

A. A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.

2. The unusual and rapid accumulation or runoff of surface waters from any source.

3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in subparagraph A–2, above or by accumulations of water on or under the ground are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, including your premises.

B. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding the cyclical levels which result in flooding as defined in A–1 above.

"POLICY" means the entire written contract between us; it includes this printed form, the application and declarations page, any endorsements which may be issued and any renewal certificates indicating that coverage has been instituted for a new policy and policy term.

Article III—Losses Not Covered

We only provide coverage for direct physical loss by flood which means we do not cover:

A. Losses from other casualties, including:

1. Loss caused by theft, lost profits, fire, windstorm, wind, explosion, earthquake, land sinkage, land subsidence, landslide or any other earth movement except such mudslide (i.e., mudflow) or erosion as is covered under the peril of flood.

2. Loss caused by rain, snow, sleet, hail, water spray, freezing, thawing, the pressure or weight of ice or water; sewer backup and seepage of water unless your property has been, at the same time, damaged by a flood.

3. Water or moisture damage resulting primarily from any condition substantially confined to the insured building or from any condition which is within your control (including but not limited to design, structural or mechanical defects, failures, stoppages or breakages of water or sewer lines, drains, pumps, fixtures or equipment).

4. Loss caused intentionally by you.

B. Losses of the following nature:

1. Loss caused by your failure to use means reasonably accessible to you to save the property from loss at the time of a flood and to preserve the property after a flood; however, the reasonable expenses incurred by you in saving and preserving the property at the premises after a flood—including the value of your own labor at prevailing Federal minimum wage rates—may, at our sole option be a covered loss.

2. A loss which is already in progress as of 12:01 A.M. of the first day of the policy term.

3. A loss from a flood which is confined to your insured premises unless the flood is displaced over two acres of your premises.

4. A loss caused by your modification to the described premises or insured property, which materially increases the risk of flooding.

Article IV—Property Covered

We will pay for physical damage caused by flood to the building at the property address you have furnished, as well as the contents of the building, if you have purchased contents coverage, and provided you have paid the correct premium for the insurance, as follows:

A. We cover your dwelling, which includes:

1. A residential building, designed for principal use as a dwelling place for no more than four families;

2. Additions in contact with the dwelling;

3. Building equipment, fixtures and outdoor equipment used in connection with the dwelling while stored inside the dwelling or another fully enclosed building at the property address;

4. Materials and supplies to be used in constructing, altering or repairing the

dwelling or another building at the property address while stored inside a fully enclosed building at the property address or on an adjacent property at the time of loss;

5. Other buildings, at your option at the time of loss, in an amount up to 10% of the amount of insurance you have purchased to cover the dwelling, including additions to the dwellings; to the extent you exercise this option, you reduce the amount of insurance available to cover loss to the dwelling and, except for a building used only for private garage purposes, this option may not be chosen so as to extend coverage to buildings:

(i) rented or leased in whole or in part (or held for such use) to any person other than a tenant of the dwelling as it is described at A(1) of this Article, or (ii) used in whole or in part for commercial manufacturing or farming purposes (or held for such uses).

B. We cover your Personal Property as contents under the policy, subject to "C" below, and that belonging to members of your family in your household and, at your option within the limits of contents coverage purchased for personal property loss, guests' and servants' personal property and the personal property of others for which you may be responsible—all while stored within a building at the property address. Personal property in the open and not stored in a building shall not be covered against loss by flood under this policy. At your option at the time of loss, in an amount up to 10% of the amount of insurance you have purchased to cover personal property, this policy will also cover:

1. Loss to improvements, alterations, and additions made by you, as a Tenant, to a building at the property address;

2. if you are an individual condominium unit owner, loss to the interior walls, floors, and ceilings of your unit that are not otherwise covered under a condominium association policy.

C. Limitation: As a limitation on "B", above, we shall not reimburse you for loss in any one flood as to the following personal property to the extent the total loss of such property exceeds $250.00: paintings, etchings, pictures, tapestries, art, glass windows and other works of art (such as but not limited to statuary, marbles, bronzes, antique furniture, rare books, antique silver, porcelains, rare glass or bric-a-brac), watches, necklaces, bracelets, gems, precious or semi-precious stones, articles of gold, silver, or platinum and furs or any article containing fur which represents its principal value.

D. Debris Removal: We cover any expense you incur, including the value of your own labor at prevailing Federal minimum wage rates, as a result of removing debris of or on the insured building from the property address you have furnished so long as the debris problem was directly caused by a flood.

E. Demolition Coverage: You may apply all or part of the proceeds of any flood insurance claim you make under this policy toward the expenses you incur in removing damaged portions of the insured building from the property location following a flood loss.

Article V—Property Not Covered

WE DO NOT COVER and will not pay for damage to or loss of any of the following:

A. Accounts, bills, currency, deeds, evidences of debt, money, coins, medals, postage stamps, securities, bullion, manuscripts or other valuable papers or records.

B. Buildings located seaward of mean tide, or in, on or partially over water; fences, retaining walls, seawalls, outdoor swimming pools, bulkheads, wharves, piers, bridges, docks; other open structures located on or partially over water, including boat houses or other similar structures or buildings into which boats are floated or personal property in the open.

C. Land values, lawn, trees, shrubs or plants, growing crops, or livestock; underground structures and equipment including wells, septic tanks or septic systems; those portions of walks, driveways and other paved or poured surfaces outside the foundation walls of the structure; and machinery or equipment servicing the building not contained within the foundations walls of the described building or below the lowest floor used for razing the building in order to calculate the premium paid for this policy.

D. Animals, birds, fish; aircraft and motor vehicles (other than motorized equipment pertaining to the services of the premises and not licensed for highway use) including their parts and equipment, trailers on wheels, watercraft including their furnishings and equipment; and business property.

E. Units which are primarily containers, rather than buildings (such as gas and liquid tanks, chemical or reactor container tanks or enclosures, brick kilns, and similar units) and their contents (silos and grain storage buildings including their contents, may be insured even though they may be of container-type construction).

F. Contents which may become a pollutant to a community during flooding unless such contents are at or above the base flood elevation, or above ground level where there are no established elevations).

G. Buildings and their contents, including machinery and equipment, which are part of the building, where 50 percent or more of the actual cash value of such buildings is below ground, unless the lowest level is at or above the base flood elevation (in the Regular Program) or the adjacent ground level (in the Emergency Program) by reason of earth having been used as an insulation material in conjunction with energy efficient building techniques.

H. A mobile home located within a FEMA designated Special Flood Hazard Area that is not anchored to resist flotation or lateral movement by providing ties to ground anchors. This anchorage must be a kind to resist flotation, collapse, or laterial movement by providing over-the-top and frame to ground anchors.

Specific requirements shall be that (1) over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations and mobile homes less than 50 feet long requiring one additional tie per side; (2) frame ties be provided at each corner of the mobile home, with additional ties per side at intermediate locations and mobile homes less than 50 feet long requiring one additional tie per side; (3) frame ties be provided at each corner of the home with five additional ties per side at intermediate points and all components of the anchoring system be capable of carrying a force of 4,800 pounds; and (4) any additions to the mobile home be similarily anchored.

I. A mobile home and its contents located within a FEMA designated coastal high hazard area (Zones VI–V30 on a FEMA Flood Insurance Rate Map) which is not located in a mobile home park or subdivision in existence prior to April 1, 1982.

J. On and after April 1, 1982, in any Zone V (numbered or unnumbered) identified on a FEMA Flood Insurance Map, obstructions below the building's lowest floor, including solid walls, open wood constructed lattice "breakaway walls", insect screening or other "breakaway walls", and any personal property or other contents located below the building's lowest floor where the initial placement of any part of the aforementioned items occurs on or after April 1, 1982.

Article VI—Deductibles

A. Each loss sustained by you is subject to a deductible provision under which you bear a portion of the loss before payment is made under the policy.

E. The loss deductible shall apply separately to each building loss and personal property (contents) loss including, as to each, debris removal, and any expenses incurred under Article II or III in connection with the removal of insured property.

C. The amount of the deductible for each loss occurrence is determined as follows: we shall be liable only when such loss exceeds $500 or, at your option, should you so choose when purchasing a policy covering property located in a coastal high hazard area, $3,000.00.

Article VII—Replacement Cost Provisions

These provisions shall apply only to a Single Family Dwelling which is the principal residence of the insured and which is covered under this policy. Outdoor radio and television antennas and aerials, carpeting, awnings, domestic appliances and other outdoor equipment; all whether attached to the building structure or not, are excluded from the replacement cost coverage. For purposes of this Article VII, a single family dwelling qualifies as your principal residence provided that, at the time of the loss, you or your spouse have lived in your building for either (1) 80% of the calendar year immediately preceding the loss or (2) 80% of the period of your ownership of the insured building, if less than one calendar year immediately preceded the loss.

A. We will pay you the full cost of repair or replacement of the flood damaged portions of your dwelling, without deduction for depreciation, as follows:

1. Under the Emergency Program of the National Flood Insurance Program, if at the time of loss the amount of insurance covering the dwelling is 80% of its full replacement cost of $35,000; and

2. Under the Regular Program of the National Flood Insurance Program, if at the time of loss insurance covering the dwelling is 80% of its full replacement cost or $70,000,

3. In determining whether the amount of insurance covering your dwelling is 80% or more of its full replacement cost, we will not count—in arriving at the 80% figure—the cost of excavations, underground flues and pipes, underground wiring and drains, and brick, stone and concrete foundations, piers and other supports which are below the under surface of the lowest basement floor, or where there is no basement, which are below the surface of the ground inside the foundation walls,

4. In any case, the amount we pay you shall not exceed the lesser of the amount of coverage you have purchased to cover the dwelling or the replacement cost of that portion of the dwelling damaged or destroyed by a flood.

B. We will not pay you the full cost of repair or replacement of the flood damaged portions of your dwelling without deduction for depreciation if, at the time of loss, the amount of insurance covering the dwelling is less than 80% of its full replacement cost and less than $35,000 under the Emergency Program or $70,000 under the Regular Program (determination on whether you have full replacement cost coverage will be as described at A(3), above). In this event, we will pay you, in respect to your flood loss, the larger of the following amounts:

1. The actual cash value (meaning replacement cost less depreciation) of that part of the dwelling damaged or destroyed; or

2. That portion of the full cost of repair or replacement without deduction for depreciation of that part of the dwelling damaged or destroyed, which the total amount of insurance applicable to said dwelling bears to 80% of the full replacement cost of such dwelling. For example, assume your dwelling had a replacement cost value of $20,000 at the time of loss and you had purchased dwelling coverage of $12,000. Assume, further, that the cost to replace the damaged portion of your dwelling is $800. The amount to be paid you under this provision would be determined as follows:

$12,000 (amount of coverage)

$16,000 (80% of replacement cost) × 800 (damage)

Equals $600 (¾ × 800).

In addition, if 80% of the full replacement cost of the dwelling exceeds $35,000 under the Emergency Program or $70,000 under the Regular Program, the program figure will be used in determining the amount to be paid in place of the 80% figure. For example, assume your dwelling had a replacement cost value of $50,000 and you had purchased $30,000 of dwelling coverage. Assume, further, that the cost to replace the damaged portion of your dwelling is $21,000. The amount to be paid you under the Emergency Program would be determined as follows:

$30,000 (amount of coverage) × $21,000

$35,000 (Emergency Program available limit of coverage)

Equals $18,000 (⅚ × 21,000).

C. These Replacement Cost Provisions do not apply to any mobile home and personal property covered under this policy, nor do they apply to any loss where insured property is abandoned or remains as debris at the property address following a loss.

D. If your dwelling sustains a total loss or if we should pay you the entire building loss proceeds under these replacement cost provisions, there is no requirement that you rebuild the building at the insured property address.

Article VIII—General Conditions and Provisions

A. *Pair and Set Clause:* If you lose an article which is part of a pair or set, we will have the option of paying you an amount equal to the cost of replacing the lost article, less depreciation, or an amount which represents the fair proportion of the total value of the pair or set that the lost article bears to the pair or set.

B. *Concealment, Fraud:* We will not cover you under this policy if you have sworn falsely, or willfully concealed or misrepresented any material fact or done any fraudulent acts concerning this insurance.

C. *Other Insurance:* You may have other flood insurance covering the dwelling and personal property and, if you have such other insurance in effect at the time of a loss, we will not pay a greater portion of any loss than the proportion of our insurance to the total flood insurance covering the dwelling and personal property.

D. *Amendments, Waivers, assignment:* This Standard Flood Insurance Policy cannot be amended nor can any of its provisions be waived without the express written consent of the Federal Insurance Administrator. No action we take under the terms of this policy can constitute a waiver of any of our rights. Assignment of this policy is, however, allowed without the consent of the Administrator.

E. *Cancellation of Policy By You:*

1. You can cancel this policy at any time but a refund of premium money will only be made to you when:

a. You cancel because you have transferred ownership of the insured property to someone else. In this case, we will refund to you, once we receive your request for cancellation accompanied by the original policy, the excess of premiums paid by you which apply to the unused portion of the policy's term, pro-rata but with retention of the expense constant.

b. You cancel because we have determined that your property is not, in fact, in a special flood hazard area; and you were required to purchase flood insurance coverage by a private lender or Federal agency pursuant to P.L. 93-234, § 102; and the lender or Federal agency no longer requires the retention by you of the coverage. In this event, if no claims have been paid or are pending, your premium payments will be refunded to you in full, according to our applicable regulations, but with retention of the expense constant.

F. *Cancellation or Voidance of Policy By Us:*

1. Where an error(s) involving a misrating resulting in an underpayment of premium to us is apparent on the face of the flood insurance application, renewal endorsement or other form, or is caused by any willful misrepresentation or concealment of any material fact, including facts relevant to the rating of a flood insurance risk, by you, your agent or any other legal representative, the entire policy shall be void (that is, it never became effective) and all premium payments will be returned to you; in the case of willful misrepresentation or concealment, only, the entire policy shall be void as of the date the wrongful act was committed, and coverage prior to the date of the wrongful act shall not be affected;

2. Where an error(s) involving a misrating resulting in an underpayment of premium to us is not apparent on the face of the flood insurance application, renewal, endorsement or other form and has not been willfully made by you, your agent or other legal representative, upon our discovery of the error, you shall be given written notice of premium due and, provided you remit the additional premium due within thirty (30) days from the date the notice of additional premium due is mailed, the policy shall be reformed, from its inception date, to provide flood insurance coverage to you in the amounts of coverage you initially requested;

3. Where an error involving a misrating resulting in an underpayment of premium to us is not apparent on the face of the flood insurance application, renewal, endorsement or other form, we may at our sole option, cancel the entire policy for nonpayment of premium in the event you refuse, after we mail to you a notice of additional premium due, to pay the additional premium. Silence on your part after thirty (days) have elapsed from the date of the mailing of notice of premium due to your mailing address, as shown on the flood insurance application, shall be deemed to be refusal to pay additional premium within the meaning of this policy condition. Upon your refusal to pay the additional premium due, we may cancel the policy, in which case:

(a) Any premium you paid shall be deemed to be fully earned by us and the term of the policy shall be reduced by an adjustment reflecting the number of calendar year days (based on a 360 day calendar year) of requested coverage and limits the paid premium will purchase and, with the term thereby reduced, the policy shall continue in force to the end of the adjusted term, at which time the policy shall be deemed cancelled; and

(b) Any paid premiums for policies issued in prior terms shall be deemed fully earned, with a commensurate reduction in the term of any such policy, and, in the event a claim has been paid under any such prior policy which arose after the end of the policy's term, as reduced to reflect the payment of insufficient premium, you shall be indebted to us in the amount of the claim, unless, upon written demand for the additional premium due in respect to such prior policy, you pay the additional premium within thirty (30) days from the date of mailing of the written demand.

4. This policy will be considered void if we determine:

a. The property listed on the application is not eligible for coverage;

b. The community in which the property is located was not participating in the National Flood Insurance Program on the policy's

inception date and did not qualify as a participating community during the policy's term and before any loss for which you may receive compensation under the policy.

5. This policy will be considered void if, during the term of the policy, the participation in the National Flood Insurance Program of the community in which your property is located ceases, in which case the policy shall be deemed void effective the end of the last day of the policy year in which such cessation occurred and shall not be renewed. In the event the voided policy was for a term of three years, you shall be entitled to a refund of any premium applicable to the remainder of the policy's term after voidance of the policy.

G. *Policy Renewal:* The term of this policy commences on its inception date and ends on its expiration date, as shown on the "Declarations Page" which is attached to the policy. We are under no obligation to send you any renewal notice or other notice that your policy term is coming to an end and the receipt of any such notice by you shall not be deemed to be a waiver of this provision on our part. We are under no obligation to assure that policy changes reflected in endorsements submitted by you during the policy term and accepted by us are included in any renewal notice or new policy which we send to you. "Policy changes" includes the addition by you of new coverage (e.g. contents coverage added to a building coverage policy or vice versa) or any increases in the amounts of coverage.

This policy shall not be renewed and the coverage provided by its shall not continue into any successive policy term unless the premium payment for any such successive policy term is received by us at the National Flood Insurance Program (NFIP), prior to the expiration date of this policy. The renewal premium payment shall be deemed to be received by the NFIP if the renewal payment is mailed to the NFIP prior to the expiration date and is received by the NFIP prior to or within five (5) days following the expiration date or if the renewal payment is mailed by certified mail to the NFIP prior to the expiration date. In all other cases, whether the renewal premium payment is received by the NFIP after the expiration date of this policy or not, this policy shall be deemed terminated as of the expiration date of the last policy term for which the premium payment was timely received by the NFIP and, in that event, we shall not be obligated to provide you with any cancellation, termination, policy lapse, or policy renewal notice advising you of any such cancellation, termination, policy lapse or policy renewal: *Provided*, however, with respect to any mortgagee (or trustee) named in the declarations form attached to this policy, this insurance shall continue in force only for the benefit of such mortgagee (or trustee) for 30 days after written notice to the mortgagee (or trustee) of termination of this policy, and shall then terminate.

H. *Alterations and Repairs:* You may, at any time, make alterations, additions and repairs to the insured property and complete structures in the course of construction. Consistent with your obligation to protect insured property damaged by a flood from durther damage, as set forth in "I", below, you may also—following a loss by flood—make reasonable repairs of a temporary or permanent nature to protect the damaged, insured property from further damage and, to the extent you keep an accurate record of such repair expenditures, the cost of any such repairs—including the value of your own labor at prevailing Federal minimum wage rates—shall be included in determining the amount of loss covered by this policy.

I. *Requirements in Case of Loss:* Should a flood loss occur to your insured property, you must:

1. Notify us in writing as soon as practicable;

2. Protect the property from further damage;

3. As soon as reasonably possible, separate the damaged and undamaged property, putting it in the best possible order so that we may examine it; and

4. Within 60 days after the loss, send us a proof of loss, which is your statement as to the amount you are claiming under the policy signed and sworn to by you and furnishing us with the following information:

a. The date and time of the loss,

b. A brief explanation of how the loss happened,

c. Your interest in the property damaged (for example, "owner") and the interests, if any, of others in the damaged property,

d. The actual cash value of each damaged item of insured property after depreciation is deducted from the cost of replacement of the property (unless the policy's "REPLACEMENT COST PROVISIONS" apply, in which case the replacement cost without allowance for depreciation should be furnished) and the amount of damages sustained,

e. Names of mortgagees or anyone else having a lien, charge or claim against the insured property,

f. Details as to any other contracts of insurance covering the property, whether valid or not,

g. Details of any changes in ownership, use, occupation, location or possession of the insured property since the policy was issued,

h. Details as to who occupied any insured building at the time of loss and for what purpose, and

i. The amount you claim is due under this policy to cover the loss, including statements concerning:

(i) The limits of coverage stated in the policy,

(ii) The cost to repair or replace the damaged property (whatever costs less).

5. The insurance adjuster whom we hire to investigate your claim may furnish you with a proof of loss form, and she or he may help you to complete it. However, this is a matter of courtesy only, and you must still send us a proof of loss within 60 days after the loss even if the adjuster does not furnish the form or help you complete it. In completing the proof of loss, you must use your own judgment concerning the amount of loss and the justification for that amount; the adjuster is not authorized to approve or disapprove claims or to tell you whether your claim will be approved by us.

J. *Our Options After a Loss.* Options we may, in our sole discretion, exercise after a loss include the following:

1. *Evidence of Loss*—If we specifically request it, in writing, you may be required to furnish us with a complete inventory of the destroyed, damaged and undamaged property, including details as to quantities, costs, actual cash values, amounts of loss claims, and any written plans and specifications for repair of the damaged property which you can make reasonably available to us.

2. *Examination Under Oath*—We may require you to show us or our designee, the damaged property, to be examined under oath by our designee and to sign any transcripts of such examinations; to, at such reasonable times and places as we may designate, permit us to examine and make extracts and copies of all books of accounts, bills, invoices and other vouchers, or certified copies thereof if the originals are lost, pertaining to the damaged property.

3. *Options to Repair or Replace*—We may take all or any part of the damaged property at the agreed or appraised value and, also, to repair, rebuild or replace the property destroyed or damaged with other of like kind and quality within a reasonable time, on giving you notice of our intention to do so within 30 days after the receipt of the proof of loss herein required under "G", above.

4. *Adjustment Options*—We may adjust loss to any insured property of others with the owners of such property or with you for their account. Any such insurance under this policy shall not inure directly or indirectly to the benefit of any carrier or other bailee for hire.

K. *When Loss Payable.*—Within 60 days after you file your proof of loss, we will either approve the claim, reject the proof of loss, deny the claim, or request appraisal. If we approve the claim, we will pay you within 60 days from the date you filed the proof of loss. If either of us requests appraisal, we will pay your claim within 60 days after the award of the appraisers and umpire is filed. If we reject your proof of loss because of the amount claimed, but do not deny the entire claim, you may file another proof of loss as long as it is filed within 60 days of the date of the loss or any extension of time allowed by the Administrator.

L. *Abandonment.* You may not abandon damaged or undamaged insured property to us.

M. *Appraisal.* If at any time after a loss, we are unable to agree with you as to the actual cash value—or, if applicable, replacement cost—of the damaged property so as to determine the amount of loss to be paid to you, then, on the written demand of either one of us, each of us select a competent and disinterested appraiser and notify the other of the appraiser selected within 20 days of such demand. The appraisers shall first select a competent and disinterested umpire; and failing for 15 days to agree upon such umpire, then, on your request or our request, such umpire shall be selected by a judge of a court of record in the State in which the insured property is located. The appraisers shall then appraise the loss, stating separately

replacement cost, actual cash value and loss to each item; and, failing to agree, shall submit their differences, only, to the umpire. An award in writing, so itemized, of any two (appraisers or appraiser and umpire) when filed with us shall determine the amount of actual cash value and loss or, should this policy's replacement cost provisions apply, the amount of replacement cost and loss. Each appraiser shall be paid by the party selecting him and the expenses of appraisal and umpire shall be paid by both of us equally.

N. *Loss Clause.* If we pay you for damage to property sustained in a flood loss, you are still eligible, during the term of the policy, to collect for a subsequent loss due to another flood. Of course, all loss arising out of a single, continuous flood of long duration shall be adjusted as one flood loss.

O. *Mortgagee Clause.* (Applicable to building coverage only.)

Loss shall be payable to mortgagees (or trustees) named in the Application and Declaration page, to the extent of their interest and in the order of precedence.

1. *Our* Duties

We will:

(a) protect the mortgagee's interests in an insured building in the case of breach of warranty, increase in hazard, change of ownership, or foreclosure if the mortgagee has no knowledge of these conditions,

(b) give mortgagee 30 days notice before cancelling this policy.

Mortgagee's Duties

The mortgagee will

(a) Furnish proof of loss within 60 days if the *insured person* fails to do so

(b) Pay upon demand any premium due (if the *insured person* fails to do so),

(c) Notify *us* of any change of ownership or occupancy or any increase in hazard of which the mortgagee has knowledge,

(d) Give *us* the right of recovery against any party liable for loss,

(e) After a loss, permit *us* to satisfy the mortgage requirements and receive full transfer of the mortgage.

P. Conditions for filing a lawsuit—You may not sue us to recover money under this policy unless you have complied with all the requirements of the policy. If you do sue, you must start the suit within twelve (12) months from the date we mailed you notice that we have denied your claim, or part of your claim, and you must file the suit in the United States District Court for the district in which the insured property was located at the time of the loss.

Q. Subrogation—Whenever we make a payment for a loss under this policy, we are subrogated to your right to recover for that loss from any other person. That means that your right to recover for a loss that was partly or totally caused by someone else is automatically transferred to us, to the extent that we have paid you for the loss. We may require you to acknowledge this transfer in writing. After the loss, you may not give up our right to recover this money or do anything which would prevent us from recovering it. If you make any claim against any person who caused your loss and recover any money, you must pay us back first before you may keep any of that money.

Article IX—Liberalization Clause

While this policy is in force, should we have adopted any forms, endorsements, rules or regulations by which this policy could be broadened or extended for your benefit by endorsement or substitution of policy form, then, such matters shall be considered to be incorporated in this policy without additional premium charge and shall inure to your benefit as though such endorsement or substitution of policy form had been made.

Article X—What Law Governs

This policy is governed by the flood insurace regulations issued by FEMA, the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4001, *et seq.*) and Federal common law.

IN WITNESS WHEREOF, we have signed this policy below and hereby enter into this Insurance Agreement.

Jeffrey S. Bragg,

Administrator, Federal Insurance Administration.

4. Appendix A(2) referenced at § 61.13 of the Standard Flood Insurance Policy is revised, in the following particulars:

(a) A new provision is added just before the provision titled "DEFINITION OF 'FLOOD'", as follows:

Persons Insured

The following are insured under this policy:

A. The named insured and legal representatives:

B. Any mortgagee and loss payee named in the application and declaration page in the order of precedence and to the extent of their interest but for no more, in the aggregate, than the interest of the named insured.

* * * * *

(b) The provision titled "DEFINITION OF 'FLOOD'" is removed and a new provision titled "DEFINITIONS" is added in its place and stead, as follows:

Definitions

Article II—Definitions

"ACTUAL CASH VALUE" means the replacement cost of an insured item of property in its condition at the time of loss, less the value of physical depreciation as to the item damaged.

"APPLICATION" means the statement made and signed by the Insured, or the Insured's agent, and giving information on the basis of which the Insurer determines the acceptability of the risk, the policy to be issued and the correct premium payment, which must accompany the application for the policy to be issued. The application is a part of this flood insurance policy.

"BUILDING" means a walled and roofed structure, other than a gas or liquid storage tank that is principally above ground and affixed to a permanent site, including a walled and roofed building in the course of construction, alteration or repair.

"CANCELLATION" means that ending of the insurance coverage provided by this policy prior to the expiration date.

"DECLARATION PAGE" is a computer generated summary of information furnished by the Insured in the application for insurance. The declarations page is a part of this flood insurance policy.

"DIRECT PHYSICAL LOSS BY FLOOD" means any loss in the nature of actual loss of or physical damage to the insured property (building or personal property) which is directly and proximately caused by a "flood" (as defined in this Agreement), while the insured property is located: 1. at the property address shown on the application for this insurance, which is a part of this Agreement; and 2. for forty-five days, at a place to which any of the property shall necessarily be removed in order to protect and preserve it from a flood or from the imminent danger of flood (provided, personal property so removed must be placed in a fully enclosed building to be insured against loss). The term "Direct Physical Loss By Flood" shall not include compensation for loss of use, loss profits or loss resulting from interruption of business, profession or manufacture, allowance for any increased cost of repair or reconstruction as a result of any ordinance or repair regulating reconstruction or repair, or other economic loss (this enumeration is not exclusive).

"EXPENSE CONSTANT" is a flat charge per policy term, paid by the Insured, to defray the Federal Government's policywriting and other expense.

"EXPIRATION DATE" means the ending of the insurance coverage provided by this policy on the expiration date shown on the declaration page.

"FLOOD": Wherever in this policy the term "flood" occurs, it shall be held to mean:

A. A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.

2. The unusual and rapid accumulation or runoff of surface waters from any source.

3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in subparagraph A–2 above or by accumulations of water on or under the ground and are akin to a river of liquid and flowing mud on the surface of normally dry land areas.

B. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding the cyclical levels which result in flooding as defined in A–1 above.

"POLICY" means the entire written contract between the Insured and the Insurer, including this printed form, the application and declarations page, any endorsements which may be issued and any renewal certificates indicating that coverage has been instituted for a new policy and policy term.

* * * * *

(c) New paragraphs "G", "H", "I" and "J" are added to the "PERILS EXCLUDED" provisions as follows:

Perils Excluded

The Insurer shall not be liable for loss:

* * * * *

G. Caused intentionally by the Insured.

H. Which is already in progress as of 12:01 a.m. of the first day of the policy term.

I. From a flood which is confined to the insured premises unless the flood is displaced over two acres of the insured premises.

J. Caused by any modification by the Insured to the described premises or insured property which materially increases the risk of flooding.

* * * * *

(d) Under the provision titled "PROPERTY COVERED", at paragraph B(2.)(a) and (b), the $500.00 limitation is reduced to $250.00 in both instances.

* * * * *

(e) The provisions titled "PROPERTY NOT COVERED" are revised to read as follows:

Property Not Covered

This policy shall not cover:

A. Accounts, bills, currency, deeds, evidences of debt, money, coins, medals, postage stamps, securities, bullion, manuscripts or other valuable papers or records.

B. Buildings located seaward of mean tide, or in, on or partially over water; fences, retaining walls, seawalls, outdoor swimming pools, bulkheads, wharves, piers, bridges, docks; other open structures located on or partially over water, including boat houses or other similar structures or buildings into which boats are floated or personal property in the open.

C. Land values, lawn, trees, shrubs, or plants, growing crops, or livestocks; underground structures and equipment including wells, septic tanks or septic systems; those portions of walks, driveways and other paved or poured surfaces outside the foundation walls of the structure; and machinery or equipment servicing the building not contained within the foundations walls of the described building, or below the lowest floor used for rating the building in order to calculate the premium paid for this policy.

D. Aircraft and motor vehicles (other than motorized equipment pertaining to the services of the premises and not licensed for highway use) including their parts and equipment, trailers on wheels, watercraft including their furnishings and equipment.

E. Units which are primarily containers, rather than buildings (such as gas and liquid tanks, chemical or reactor container tanks or enclosures, brick kilns, and similar units) and their contents (Silos and grain storage buildings including their contents, may be insured even though they may be of container-type construction).

F. Contents which may become a pollutant to a community during flooding unless such contents are at or above the base flood elevation, or above ground level (where there are no established elevations).

G. Buildings and their contents, including machinery and equipment, which are part of the building, where 50 percent or more of the actual cash value of such buildings is below ground, unless the lowest level is at or above the base flood elevation (in the Regular Program) or the adjacent ground level (in the Emergency Program) by reason of earth having been used as an insulation material in conjunction with energy efficient building techniques.

H. A mobile home located within a FEMA designated Special Flood Hazard Area that is not anchored to resist floation or lateral movement by providing ties to ground anchors. This anchorage must be a kind to resist flotation, collapse, or lateral movement by providing over-the-top and frame to ground anchors.

Specific requirement shall be that (1) over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations and mobile homes less than 50 feet long requiring one additional ties per side; (2) frames ties be provided at each corner of the mobile home, with additional ties per side at intermediate locations and mobile homes less than 50 feet long requiring one additional tie per side; (3) frame ties be provided at each corner of the home with five additional ties per side at intermediate points and all components of the anchoring system be capable of carrying a force of 4,800 pounds; and (4) any additions to the mobile home be similary anchored.

I. A mobile home and its contents located within a FEMA designated coastal high hazard area (Zones V1–V30 on a FEMA Flood Insurance Rate Map) which is not located in a mobile home park or subdivision in existence prior to April 1, 1982.

J. On and after April 1, 1982, in any Zone V (numbered or unnumbered) identified on a FEMA Flood Insurance Rate Map, obstructions below the building's lowest floor, including solid walls, open wood constructed lattice "breakway walls", insect screening or other "breakaway walls", and any personal property or other contents located below the building's lowest floor where the initial placement of any part of the aforementioned items occurs on or after April 1, 1982.

* * * * *

(f) The provisions titled "DEDUCTIBLES" are revised to read as follows:

Deductibles

A. With respect to loss to the building, appurtenant private structures, and debris removal covered hereunder, the Insurer shall be liable for only that portion of the loss in any one occurrence which is in excess of $500.00.

B. With respect to less to contents or debris removal covered hereunder or to expenses, incurred under paragraph F of "Perils Excluded", the Insurer shall be liable for only that portion of the loss in any one occurrence which is in excess of $500.00.

C. The amount of the deductible in "A" and "B", above is $3,000.00 in the event the Insured has elected, when purchasing this policy, to have such a deductible. The election by the Insured is conditioned upon the insured property being located in a coastal high hazard area.

* * * * *

(g.) Under the provisions titled "GENERAL CONDITIONS AND PROVISIONS", paragraph "E" titled "CANCELLATION OF POLICY OR REDUCTION IN AMOUNT OF INSURANCE" is revised to read as follows:

General Conditions and Provisions

* * * * *

E. *Cancellation or Voidance of Policy.*

1. Cancellation of the policy by Insured:

a. The Insured can cancel this policy at any time but a refund of premium money will only be made when:

i. The policy is cancelled because the Insured has transferred ownership of the insured property to someone else. In this case, once the Insurer receives the request for cancellation accompanied by the original policy, the excess of premium paid will be refunded to the Insured, which apply to the unused portion of the policy's term, pro-rata but with retention of the expense constant.

ii. The policy is cancelled because FEMA has determined that the insured property is not, in fact, in a special flood hazard area; and the Insured was required to purchase flood insurance coverage by a private lender or Federal agency pursuant to Pub. L. 93–234, s102; and the lender or Federal agency no longer requires the retention of the coverage. In this event, if no claims have been paid or are pending, the premium payments will be refunded in full, according to applicable regulations, but with retention of the expense constant.

2. Cancellation or voidance of the policy by the Insurer:

a. The following rules provide for voidance or cancellation of coverage, issued under a Standard Flood Insurance Policy, by the Insurer:

(i) Where an error(s) involving a misrating resulting in an underpayment of premium is apparent on the face of the flood insurance application, renewal endorsement or other form, or is caused by any willful misrepresentation or concealment of any material fact, including facts relevant to the rating of a flood insurance risk, by the Insured, the agent or any other legal representative of the Insured, the entire policy shall be void and all premium funds returned to the Insured; in the case of willful misrepresentation or concealment, only, the entire policy shall be void as of the date the wrongful act was committed, and coverage prior to the date of the wrongful act shall not be affected,

(ii) Where an error(s) involving a misrating resulting in an underpayment of premium is not apparent on the face of the flood insurance application, renewal, endorsement or other form and has not been willfully made by the Insured, agent or other legal representative of the Insured, upon discovery of the error by the Insurer, the Insured shall be given written notice of premium due by the Insurer and, provided the Insured remits the additional premium due to the Insurer within thirty (30) days from the date the notice of additional premium due is mailed, the policy shall be reformed, from its inception date, to provide flood insurance coverage to the Insured in the amounts of coverage initially requested by the Insured.

(iii) Where an error(s) involving a misrating resulting in an underpayment of premium is not apparent on the face of the flood

insurance application, renewal, endorsement or other form, the entire policy may be cancelled, at the Insurer's option, for nonpayment of premium in the event the Insured refuses, after mailing of notice of additional premium due by the Insurer, to pay the additional premium. Silence on the part of the Insured after thirty (30) days have elapsed from the date of the mailing of notice of premium due to the Insured's mailing address, as shown on the flood insurance application, shall be deemed to be refusal to pay additional premium within the meaning of this subsection. Upon the Insured's refusal to pay the additional premium due, the Insurer may cancel the policy, in which case:

(A) The paid premium shall be deemed to be fully earned and the term of the policy shall be reduced by an adjustment reflecting the number of calendar year days (based on a 360 day calendar year) of requested coverage and limits the paid premium will purchase and, with the term thereby reduced, the policy shall continue in force to the end of the adjusted term, at which time the policy shall be deemed cancelled by the Insurer and the Insured; and

(B) Paid premiums for policies issued in prior terms shall be deemed fully earned, with a commensurate reduction in the term of any such policy, and, in the event a claim has been paid under any such prior policy which arose after the end of the policy's term, as reduced to reflect the payment of insufficient premium, the Insured shall be indebted to the Insurer in the amount of the claim, unless, upon written demand for the additional premium due in respect to such prior policy, the Insured pays the additional premium within thirty (30) days from the date of mailing of the written demand.

(IV) This policy will be considered void if the Insurer determines:

a. The property listed on the application is not eligible for coverage;

b. The community in which the property is located was not participating in the National Flood Insurance Program on the policy's inception date and did not qualify as a participating community during the policy's term and before any loss for which the Insured may receive compensation under this policy;

(V) This policy will be considered void if, during the term of the policy, the participation in the National Flood Insurance Program of the community in which the insured property is located ceases, in which case, the policy shall be deemed void effective the end of the last day of the policy year in which such cessation occurred and shall not be renewed. In the event the voided policy was for a term of three years, the Insured shall be entitled to a refund of any premium applicable to the remainder of the policy's term after voidance of the policy.

* * * * *

(h.) General Condition "J" titled "Statutory Provisions", is deleted from and a new general condition "J", titled "Policy Renewal" is added to the section titled "GENERAL CONDITIONS AND PROVISIONS" as follows:

General Conditions and Provisions

* * * * *

J. *Policy Renewal:* The term of this policy commences on its inception date and ends on its expiration date, as shown on the "Declarations Page" which is attached to the policy. The Insurer is under no obligation to send any renewal notice or other notice that the policy term is coming to an end and the receipt of any such notice by the Insured, Mortgagee or Agent of the Insured shall not be deemed to be a waiver of this provision on the Insurer's part. The Insurer is under no obligation to assure that policy changes reflected in endorsements submitted by the Insured or Agent during the policy term and accepted by the Insurer are included in any renewal notice or new policy which is sent. "Policy changes" includes the addition of new coverage (e.g. contents coverage added to a building coverage policy or vice versa) or any increases in the amounts of coverage.

This policy shall not be renewed and the coverage provided by it shall not continue into any successive policy term unless the premium payment for any such successive policy term is received by the National Flood Insurance Program (NFIP), prior to the expiration date of this policy. The renewal premium payment shall be deemed to be received by the NFIP if the renewal payment is mailed to the NFIP prior to the expiration date and is received by the NFIP prior to or within five (5) days following the expiration date or if the renewal payment is mailed by certified mail to the NFIP prior to the expiration date.

In all cases, whether the renewal premium payment is received by the NFIP after the expiration date of this policy or not, this policy shall be deemed terminated as of the expiration date of the last policy term for which the premium was timely received by the NFIP and the Insurer shall not be obliged to provide the Insured with any cancellation, termination, policy lapse, or policy renewal notice advising the Insured of any such cancellation termination, policy lapse or policy renewal; provided, however, with respect to any mortgagee (or trustee) named in the Declarations form attached to this policy, this insurance shall continue in force only for the benefit of such mortgagee (or trustee) for 30 days after written notice to the mortgagee (or trustee) of termination of this policy, and shall then terminate.

(National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968), 42 U.S.C. 4001–4128; Reorganization Plan No. 3 of 1978 (43 FR 41943), Executive Order 12127, dated March 31, 1979 (44 FR 19367) Executive Order 11988, dated May 24, 1977 and 44 CFR 9, Delegation of Authority to Federal Insurance Administrator)

Issued at Washington, D.C., December 24, 1981.

Jeffrey S. Bragg,

Federal Insurance Administrator.

[FR Doc. 81-37159 Filed 12-29-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-5738]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Arkansas

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule: revision.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Clarksville, Johnson County, Arkansas.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 44 FR 67186 on November 23, 1979, and in *The Graphic* on October 9 and October 16, 1980, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for inspection at City Hall, Walnut Street, Clarksville, Arkansas 72830.

Send comments to: Mayor Sterling Hurley or Ms. Ann Schmatjen, Assistant Administrator, City Hall, P.O. Box 409, Clarksville, Arkansas 72830.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., National Flood Insurance Program, (202) 287–0230, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in Clarksville, Arkansas in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(A).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood

insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 USC 605(b), the Associate Director to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not proscribe develpment. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The proposed base (100-year) flood elevations are:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Arkansas	Clarksville, Johnson County	Spadra Creek (before levee overtopping).	Just downstream of Cherry Street	*378
	Just upstream of Missouri-Pacific Railroad	*380		
	Spadra Creek (after levee overtopping)	At the intersection of Laster Street and Kennon Street.	*365	
	At the intersection of Dunlop Street and Saver Street	*368		
	Tributary 1	Just upstream of Interstate Highway 40.	*358	
	Greenbriar Creek	Just upstream of the downstream crossing of Missouri-Pacific Railroad.	*390	
	Just upstream of Cherry Street	*406		
	Little Willett Branch	Just upstream of U.S. Highway 64	*365	
	Just upstream of Quarter-Line Road	*369		

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: December 16, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-37138 Filed 12-29-81; 8:45 am]

BILLING CODE 6718-03-M

Notices

Federal Register
Vol. 46, No. 250
Wednesday, December 30, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

1981 Peanut Program Price Support

AGENCY: Commodity Credit Corporation (CCC), USDA.

ACTION: Notice of determination of 1981-Crop Farm-Stored Peanut Loan and Purchase Program.

SUMMARY: The purpose of this notice is to set forth for 1981-crop farm-stored peanuts (1) loan and purchase rates, and (2) location adjustments. This notice is needed in order to provide price support on 1981-crop farm-stored peanuts.

EFFECTIVE DATE: December 30, 1981.

FOR FURTHER INFORMATION CONTACT: Bruce D. Starnes, (202) 447-7301. A final impact statement has been prepared and is available from the above-named individual.

SUPPLEMENTARY INFORMATION: This notice of determination has been reviewed under USDA procedures required by Executive Order 12291 and Secretary's Memorandum No. 1512-1 and has been classified "not major." It has been determined that these program provisions will not result in: (1) An annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal assistance program that this final rule applies to is: Title—Commodity Loans and Purchases; Number 10.051, as found in the Catalog of Federal Domestic Assistance. This action will not have a significant impact specifically on area and community development. Therefore, review as established by OMB Circular A-95 was not used to assure that units of local government are informed of this action.

It has been determined that the Regulatory Flexibility Act is not applicable to this Notice of Determination since CCC is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

The 1981-Crop Peanut Loan and Purchase Program was announced on February 13, 1981. A notice published in the **Federal Register** on July 20, 1981, (46 FR 37294) established the National average support values for the 1981 crop peanuts at $455 per ton for quota peanuts and $250 per ton for additional peanuts. Also, in that notice, CCC adjusted 1981-crop peanut loan and purchase rates for differences in type, quality, location and other factors.

It has been determined that the same method of calculating price support rates by type set forth in the **Federal Register** as to warehouse storage loans on July 20, 1981, should be adopted for farm-stored peanuts so that all producers will be treated fairly. Accordingly, the basic rates applicable to warehouse storage loans shall also be applicable for farm-stored loans.

Notice of Determination

1. *Loan and Purchase Rate.* Subject to the discounts specified in paragraph (b) of this section, the loan and purchase rates for quota peanuts placed under farm-stored loan or purchase shall be the following rates by type per ton:

Type	Dollars per ton
Virginia	$452
Runner	459
Spanish	436
Valencia	452

Loans on additional peanuts shall be made at 54.95 percent of the quota support rate.

2. *Location Adjustment to Support Prices.* The loan and purchase rates specified in paragraph 1 of this section shall be subject to the following discounts for farmers stock peanuts placed under a farm-stored loan in States where peanuts are not customarily shelled or crushed, as specified below.

State	Dollars per ton
Arizona	$25
Arkansas	10
California	33
Louisiana	7
Mississippi	10
Missouri	10
Tennessee	25

3. *Settlement Values.* The support prices, premiums, and discounts for use in computing the settlement value in accordance with § 1421.292(b)(2) of the continuing regulations governing the peanut farm-stored loan and purchase program with respect to peanuts acquired by CCC under loan or purchase, shall be those support prices, premiums, and discounts specified in notice of determination of the 1981-crop peanut warehouse storage loan supplement (46 FR 37296 published July 20, 1981) including the location adjustment specified therein for peanuts delivered to CCC in States where peanuts are not customarily shelled or crushed.

(Secs. 4, 5, 62 Stat. 1070, as amended (15 U.S.C. 714b and c); secs. 101, 106, 401, 403, 405, 63 Stat. 1051, as amended (7 U.S.C. 1441, 1445, 1421, 1423, 1425))

Signed at Washington, D.C. on December 23, 1981.

Clarence L. Tardy,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81-37144 Filed 12-29-81; 8:45 am]

BILLING CODE 3410-05-M

CIVIL RIGHTS COMMISSION

Vermont Advisory Committee Agenda; and 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 Vermont Advisory Committee to the Commission will convene at 7:00 p.m., and will end at 9:00 p.m., on January 19, 1982, at the Vermont Federal Savings and Loan Association, in the Friendship Room, 99 State Street, Montpelier, Vermont 05602. The purpose of this meeting is to discuss the civil rights developments in 1981; Federal budget cuts to civil rights programs; and the Franco-American report.

Persons desiring additional information or planning a presentation to the Committee, should contact the

Chairperson, Philip Hoff, 192 College Street, Hoff, Wilson and Powell, PC, Burlington, Vermont 05401, (802) 658–4300 or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110, (617) 223–4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., December 28, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-37126 Filed 12-29-81; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committee on Agriculture Statistics; Renewal

In accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), and Office of Management and Budget Circular A–63 (revised), and after consultation with GSA, it has been determined that the renewal of the Census Advisory Committee on Agriculture Statistics is in the public interest in connection with the performance of duties the law imposes on the Department.

The Committee was established July 16, 1962, and its charter expired on December 12, 1981. It was initially chartered under the Federal Advisory Committee Act in January 1973. The Committee's purpose is to advise the Director, Bureau of the Census, on the conduct of periodic censuses of agriculture and related surveys and the kind of information that should be obtained from respondents associated with the agricultural production; to make recommendations regarding the contents of agricultural reports; and to present the data needs of major suppliers and users of agriculture statistics. The Committee plays a vital role in advising the Census Bureau concerning the structuring and planning of the agriculture censuses and surveys.

The Committee will continue with a balanced representation of 21 member organizations, each appointing a person to the Committee subject to the concurrence of the Director, Bureau of the Census. A selected member chairs the Commitee which will function solely as an advisory body in compliance with the Federal Advisory Committee Act.

Copies of the Committee's revised charter will be filed with appropriate committees of the Congress.

Inquiries or comments may be addressed to the Committee Control Officer, Mr. Arnold L. Bollenbacher, Chief, Agriculture Division, Federal Building 4, U.S. Department of Commerce, Bureau of the Census, Washington, D.C. 20233, telephone 301/763–5230, or Mrs. Yvonne D. Barnes, Committee Management Analyst, U.S. Department of Commerce, Washington, D.C. 20230, telephone (202) 377–4217.

Dated: December 23, 1981.

Dennis C. Boyd,

Executive Director, Information Resources Management.

[FR Doc. 81-37124 Filed 12-29-81; 8:45 am]

BILLING CODE 3510-07-M

Foreign-Trade Zones Board

[Docket No. 24-81]

Proposed Foreign-Trade Zone; City of Industry, California; Application and Public Hearing

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the City of Industry, California (the City), a municipal corporation, requesting authority to establish a general-purpose foreign-trade zone in the City of Industry, adjacent to the Los Angeles/Long Beach Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act of 1934, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on December 22, 1981. The applicant is authorized to make this proposal under sections 6300–6305 of the Government Code of the State of California.

The City of Industry is an incorporated community which has been developed as a light industrial and commercial center. It covers 15 square miles some 20 miles southeast of downtown Los Angeles. The zone project is designed to provide special Customs services for the City's many firms engaged in international trade related operations. Covering 120 acres south of Valley Boulevard between Fairway Drive and Lemon Avenue, the zone will be the focal point of a 200-acre international trade complex known as the Industry Distribution and Commerce Center, Foreign-Trade Zone/Freeport. The project will be administered on behalf of the City by National Engineering Company, which will be responsible for developing the zone with City financing, and selecting a private operator/manager.

The application contains evidence of the need for large-scale zone services in the City of Industry. Prospective tenants have indicated an interest in using over 1.3 million square feet in the zone for warehousing, distribution, labeling, packing, and assembly of auto parts, hardware, electronic components, electrical appliances, shoes, toiletry products, alcoholic beverages and candy.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: John J. Da Ponte, Jr. (Chairman), Director, Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; John E. Brady, District Director, U.S. Customs Service, Region VII, 300 South Ferry Street, Terminal Island, San Pedro, California 90731; and Colonel Paul W. Taylor, District Engineer, U.S. Army Engineer District Los Angeles, P.O. Box 2711, Los Angeles, California 90053.

As part of its investigation, the Examiners Committee will hold a public hearing on January 27, 1982, beginning at 10:00 a.m., in Room 2032 of the U.S. Customshouse Building, 300 South Ferry Street, Terminal Island, California 90731. The purpose of the hearing is to help inform interested persons about the proposal, to provide an opportunity for their expression of views, and to obtain information useful to the examiners.

Interested parties are invited to present their views at the hearing. They should notify the Board's Executive Secretary of their desire to be heard in writing at the address below or by phone (202/377–2862) by January 18, 1982. Instead of an oral presentation, written statements may be submitted in accordance with the Board's regulations to the examiners committee, care of the Executive Secretary, at any time from the date of this notice through February 26, 1982. Evidence submitted during the post-hearing period is not desired unless it is clearly shown that the matter is new and material and that there are good reasons why it could not be presented at the hearing. A copy of the application and accompanying exhibits will be available during this time for public inspection at each of the following locations:

U.S. Department of Commerce District Office, 11777 San Vicente Boulevard, Room 800, Los Angeles, California 90049

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 3721, 14th and E Streets NW., Washington, D.C. 20230

Dated: December 23, 1981.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 81-37123 Filed 12-29-81; 8:45 am]

BILLING CODE 3510-25-M

International Trade Administration

Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee; Open Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Computer Systems Technical Advisory Committee was initially established on January 3, 1973, and rechartered on September 18, 1981 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Subcommittee was approved for continuation on October 5, 1981 pursuant to the charter of the Committee. The Licensing Procedures Subcommittee was formed to review the procedural aspects of export licensing and recommend areas where improvements can be made.

TIME AND PLACE: January 13, 1982, at 10:00 a.m. The meeting will take place at the Main Commerce Building, Room 3708, 14th Street and Constitution Ave., NW., Washington, D.C.

Agenda: General Session

(1) Opening remarks by the Subcommittee Chairman.

(2) Presentation of papers or comments by the public.

(3) Continuing business:

(a) Discussion of ITA-6031A—Computer System Parameters form (short version).

(b) Discussion of the role of Department of Commerce to provide for technical consultation with exportes in order to establish pre-agreement on the technical parameters of export items.

(c) Use of "Swiss Blue" import certificate.

(d) Software regulation—Section 376, 379 of the OEA regulations.

(e) Questions relating to the utility of the Qualified General License as currently framed.

(f) Discussion of the current "relaxation" of reexport controls.

(4) Adequacy of Committee attendance and ways to improve it.

(5) Report on OEA case backlog, East European export policy, and PRC export policy.

(6) Recent experiences of COCOM's processing of cases.

(7) Procedures for licensing for exhibitions and fairs.

(8) Disposition of controlled country (Bloc) applications not requiring multilateral review.

PUBLIC PARTICIPATION: The meeting will be open for public observation and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written Statements may be submitted at any time before or after the meeting.

FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT: Mrs. Margaret A. Cornejo, Committee Control Officer, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230; Telephone: 202-377-2583.

Dated: December 24, 1981.

Vincent F. DeCain,

Acting Director, Office of Export Administration.

[FR Doc. 81-37183 Filed 12-29-81; 8:45 am]

BILLING CODE 3510-25-M

Switching Subcommittee of the Telecommunications Equipment Technical Advisory Committee; Partially Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Telecommunications Equipment Technical Advisory Committee was initially established on October 23, 1973, and rechartered on September 18, 1981, in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Subcommittee was established on October 5, 1981, pursuant to the charter of the Committee.

The Switching Subcommittee was formed to study computer controlled switching equipment with the goal of making recommendations to the Department of Commerce relating to the appropriate parameters for controlling exports for reasons of national security.

TIME AND PLACE: January 19, 1981, at 10:00 a.m. The meeting will take place at the Main Commerce Building, Room 5611, 14th Street and Constitution Avenue, NW., Washington, D.C.

Agenda: General Session

A short open session will be held to provide an opportunity for submissions of industry recommendations for revisions of the following CCL entry: 1565 (switching portions only).

Executive Session

Discussion of matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

PUBLIC PARTICIPATION: The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 29, 1981, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in The Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive order 12065.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, telephone: 202-377-4217.

FOR INFORMATION OR COPIES OF THE MINUTES CONTACT: Mrs. Margaret Cornejo, Committee Control Officer, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230; Telephone: 202-377-2583.

Dated: December 24, 1981.

Vincent F. DeCain,

Acting Director, Office of Export Administration.

[FR Doc. 81-37184 Filed 12-29-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Caribbean Fishery Management Council and Its Administrative Subcommittee; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Caribbean Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265), has established an Administrative Subcommittee. The Council and its Administrative Subcommittee will hold separate public meetings. The Council will hold its 39th regular meeting to consider status

reports on fishery management plans under development; draft FMP for shallow-water reef fishery; draft FMP for coastal migratory pelagics resources; draft Caribbean section of the Atlantic billfish FMP; draft FMP for the fishery resources of the Puerto Rican and St. Croix geological platforms, as well as discuss administrative matters and other Council business. The Administrative Subcommittee will meet to consider matters related to the Council's budget, the new draft standard operating practices and procedures and regular administrative operations.

DATES: The Council's public meeting will convene on Wednesday, January 27, 1982, at approximately 9 a.m., and will adjourn on Thursday, January 28, 1982, at approximately noon. The Council's Administrative Subcommittee public meeting will convene on Tuesday, January 26, 1982, at apprkximately 1:30 p.m., and will adjourn at approximately 5 p.m.

ADDRESS: The meetings will take place in the Conference Room of the Frederiksted Fort, Frederiksted, St. Croix, U.S. Virgin Islands.

FOR FURTHER INFORMATION: Caribbean Fishery Management Council, Suite 1108–Banco de Ponce Building, Hato Rey, Puerto Rico 00918, Telephone: (809) 753–4926.

Date: December 23, 1981.

Jack L. Falls,

Chief, Administrative Support Staff, National Marine Fisheries Service.

[FR Doc. 81-37133 Filed 12-29-81; 8:45 am]

BILLING CODE 3510-22-M

Marine Fisheries Advisory Committee; Public Meetings

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C., Appendix I, notice is hereby given of meetings of the Marine Fisheries Advisory Committee (MAFAC). The Committee meeting (MAFAC XXVI) will be held on Tuesday, Wednesday and Thursday, January 19–21, 1982, at the Department of Commerce, 15th and Pennsylvania Avenue, NW, Washington, D.C., Room 4830 with meetings starting at 8:30 a.m. Adjournment is planned for noon on Thursday.

Two Subcommittees will meet as part of the full Committee session on Wednesday, January 20, 1982, at the Department of Commerce address noted above. The Subcommittee on Consumer Affairs will meet at 10:30 a.m. and the Subcommittee on Marine Recreational Fishing at 1:30 p.m. Agenda items for the MAFAC Committee meeting include: the FY 1982 Program, future objectives, organization and programs of the National Oceanic and Atmospheric Administration (NOAA); an overview of NOAA's FY 1982 appropriations and FY 1983 submission and their effect upon the National Marine Fisheries Service (NMFS); the role of the National Advisory Committee on Oceans and Atmosphere (NACOA) and its relationship to MAFAC; the views of the Assistant Administrator for Fisheries on the future of NMFS; fisheries legislative activities; fisheries policy issues; the two subcommittee meetings; a presentation on mariculture; and a discussion of the role and future of MAFAC.

The Committee and Subcommittee meetings are open to the public and there will be seating for approximately 20 public members available on a first come, first served basis. Members of the public having an interest in specific items for discussion are advised that agenda changes are at times made prior to the meeting. To receive information on changes, if any, made to the agenda, interested members of the public should contact: Ms. Robin Tuttle Waxman, Acting Executive Secretary, Marine Fisheries Advisory Committee, National Marine Fisheries Service, Washington, D.C. 20235, Telephone: (202) 634–7283.

At the discretion of the Chairperson, interested members of the public may speak for a reasonable amount of time at points which allow an orderly conduct of Committee business.

Interested members of the public who wish to submit written comments should do so at the address noted above. To receive due consideration and facilitate their inclusion in the record of the meeting, written statements should be received within 10 days after the close of the committee meeting.

Dated: December 23, 1981.

William H. Stevenson,

Deputy Assistant Administrator for Fisheries.

[FR Doc. 81-37131 Filed 12-29-81; 8:45 am]

BILLING CODE 3510-22-M

New England Fishery Management Council; Public Meeting With a Partially Closed Session and Public Meeting of Its Scientific and Statistical Committee

AGENCY: National Marine Fisheries Service, NOAA.

ACTION: Notice of public meeting with a partially closed session.

SUMMARY: As required by the Federal Advisory Committee Act, this notice sets forth the schedule and proposed agendas for the forthcoming separate public meetings of the New England Fishery Management Council (with a partially closed session) and the public meeting of the Council's Scientific and Statistical Committee (SSC). The New England Fishery Management Council was established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265), and the Council has established a SSC to assist the Council in carrying out its responsibilities to manage and conserve America's fisheries as specified by the Act.

DATES: Council—January 26–27, 1982. SSC—January 20, 1982.

ADDRESSES: The Council's separate public meeting (with partially closed session) will take place at the King's Grant Inn, Route 128 at Trask Lane, Danvers, Massachusetts. The SSC's separate public meeting will take place at the Council's Headquarters Office, Suntaug Office Park, Five Broadway, Route One, Saugus, Massachusetts.

FOR FURTHER INFORMATION CONTACT: New England Fishery Management Council, Suntaug Office Part—5 Broadway (Route One), Saugus, Massachusetts 01906, Telephone: (617) 231–0422.

Agendas

Council (open meeting)—January 26–27, 1982 (10 a.m. to 3 p.m. on January 26; 9 a.m. to 5 p.m. on January 27)—review the status of the herring and lobster fishery management plans (FMPs); review status of recommendations of the policy review committee; further discussion of future groundfish management measures and review of joint venture permit applications, as well as other fishery management business.

Council (closed session)—January 26, 1982 (3 p.m. to 5 p.m.)—discussion of the status of maritime boundary and resource negotiations between the U.S. and Canada. Only those Council members and selected staff having security clearances will be allowed to attend this closed session.

SSC (open meeting)—January 20, 1982 (10 a.m. to 5 p.m.)—review of the interim groundfish FMP; review of research proposals as well as other fishery management business. The meeting may be lengthened or shortened or agenda items rearranged depending upon progress of same.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration of the Department of Commerce, with the concurrence of the General Counsel, formally determined on November 17, 1981, pursuant to Section 10(d) of the Federal Advisory Committee Act, that

the agenda item covered in the closed session is exempt from the provisions of the Act relating to open meetings and public participation therein, because the meeting will be concerned with matters that are within the purview of 5 U.S.C. 552(c)(1), as information which will disclose matters that are (A) specifically authorized under criteria established by an executive order to be kept secret in the interests of national defense or foreign policy and (B) in fact properly classified pursuant to such executive order. (A copy of the determination is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, Department of Commerce.) All other portions of the Council's meeting (as well as the SSC's meeting) will be open to the public.

Dated: December 23, 1981.

Jack L. Falls,

Chief, Administrative Support Staff, National Marine Fisheries Service.

[FR Doc. 81-37132 Filed 12-29-81; 8:45 am]

BILLING CODE 3510-22-M

Office of the Secretary

Economic Advisory Board; Renewal

In accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 1976) and the Office of Management and Budget Circular A-63 of March 1974, and after consultation with the General Services Administration, the Secretary of Commerce has determined that the renewal of the Economic Advisory Board is in the public interest.

The Advisory Board was first established by the Secretary of Commerce on January 12, 1967. Its purpose is to advise the Secretary of Commerce on economic policy issues. It has discharged this mission regularly by convening quarterly to discuss various specific industry situations in terms of consumer spending and inventory status; the near-term outlook and policies; and the outlook, in terms of output and employment, for the forthcoming several quarters.

In renewing the Advisory Board, the Secretary has reaffirmed the importance of the timely and accurate information it has provided concerning business conditions and the current state of the economy. The Secretary has also requested that members of the Advisory Board, in addtition to presenting their individual forecasts, also provide their analyses of specific economic issues as designated by the chairperson, the Assistant Secretary for Economic Affairs.

As initially chartered under the Federal Advisory Committee Act in January 1973, the Economic Advisory Board will continue with a balanced representation of 16 members and will operate in compliance with the provisions of the Federal Advisory Committee Act.

Copies of the Board's charter will be filed with the appropriate committees of the Congress.

Inquiries or comments may be addressed to the Committee Control Officer, Virginia R. Marketti, Office of the Assistant Secretary for Economic Affairs, Room 4848, U.S. Department of Commerce, Washington, D.C. 20230, telephone (202) 377-3523, or Mrs. Yvonne D. Barnes, Committee Management Analyst, U.S. Department of Commerce, Washington, D.C. 20230, telephone (202) 377-4217.

Dated: December 23, 1981.

Dennis C. Boyd,

Executive Director, Information Resources Management.

[FR Doc. 81-37125 Filed 12-29-81; 8:45 am]

BILLING CODE 3510-CW-M

DEPARTMENT OF ENERGY

Office of Hearings and Appeals

Implementation of Special Refund Procedures and Solicitation of Comments

AGENCY: Office of Hearings and Appeals, Energy.

ACTION: Notice of implementation of special refund procedures and solicitation of comments.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy solicits comments concerning the appropriate procedures to be followed in refunding to eligible claimants $4,750,000 obtained by the DOE under the terms of a consent order entered into with OKC Corp. The funds were provided by the firm in order to settle enforcement proceedings brought by the Office of Enforcement.

DATES AND ADDRESS: Comments must be filed on or before January 29, 1982 and should be addressed to the Office of Hearings and Appeals, Department of Energy, 2000 M Street, NW., Washington, D.C. 20461. All comments should display conspicuously a reference to case number BEF-0032.

FOR FURTHER INFORMATION CONTACT: Thomas O. Mann, Deputy Director, Office of Hearings and Appeals, Department of Energy, 2000 M Street, NW., Washington, D.C. 20461; (202) 653-3137.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(b) of the Procedural regulations of the Department of Energy, 10 CFR 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision and Order tentatively establishes procedures to distribute to eligible claimants a total of $4,750,000 obtained by the DOE under the terms of a consent order entered into with OKC Corp. on July 17, 1980. The funds were provided to the DOE by the firm in order to settle all claims which the Office of Enforcement (OE) could have pursued under the DOE price regulations relating to transactions by OKC involving crude oil, residual fuel oil or refined petroleum products for the period from August 1973 to the settlement date. In the consent order, the parties stipulated that the OE would file with the OHA a petition for the implementation of special procedures for the distribution of refunds from the settlement fund, pursuant to 10 CFR Part 205, Subpart V.

The Proposed Decision and Order sets forth the procedures and standards that the DOE has tentatively formulated to distribute the contents of the escrow account funded by OKC. The DOE has tentatively decided that Applications for Refund should be accepted from the initial purchasers of covered products from OKC during the audit period. In addition, the DOE determined that Applications for Refund also should be accepted from all persons who bought OKC products during the relevant time period. The Proposed Decision and Order provides that in order to be entitled to receive any portion of the settlement funds, a purchaser must furnish the DOE with evidence which demonstrates that the claimant was injured by the alleged unlawful prices for covered products charged by OKC, including specific documentation concerning the date, place, price, and volume of product purchased, whether the increased costs were absorbed by the claimant or passed through to other purchasers, and the extent of any injury alleged to have been suffered.

The Proposed Decision and Order also provides for the distribution of any funds remaining after all valid claims are paid. The Proposed Decision and Order states DOE's view that refunds might be made in the form of lowered energy or energy-related costs in the areas where the persons who are likely to have been injured by the alleged overcharges may reside. The DOE also solicits proposals from first purchasers of covered products and from the public concerning the distribution of any funds

remaining after claims have been paid. In the alternative, the DOE suggests that any remaining funds which would otherwise go undistributed be deposited in the Treasury of the United States.

It should be pointed out that until final procedures are adopted, no claims for refunds will be accepted. Applications for Refund therefore should *not* be filed at this time. Appropriate public notice, including notice published in the **Federal Register**, will be provided prior to the acceptance of claims.

Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to submit two copies of their comments. Comments should be submitted on or before January 29, 1982, and should be sent to the address set forth at the beginning of this notice. All comments received in this proceeding will be available for public inspection in the Public Docket Room of the Office of Hearings and Appeals, Room B–120, 2000 M Street, NW., Washington, D.C. between the hours of 1:00 to 5:00 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., on December 23, 1981.

George B. Breznay,

Director, Office of Hearings and Appeals.

December 23, 1981.

Proposed Decision and Order of the Department of Energy

Special Refund Procedures

Name of Petitioner: Office of Enforcement, Economic Regulatory Administration; in the Matter of OKC Corp.

Date of Filing: February 5, 1981.

Case Number: BEF–0032.

Under Subpart V of the Department of Energy's procedural regulations, the Economic Regulatory Administration's Office of Enforcement (OE) may petition the Office of Hearings and Appeals (OHA) for implementation of special refund procedures in situations where the DOE is unable to readily identify persons entitled to refunds as a result of alleged violations of DOE regulations. (*1*) 10 CFR Part 205, Subpart V. The OE filed such a petition on February 5, 1981, requesting that OHA establish special refund procedures for moneys received pursuant consent order with OKC Corp. (OKC). Under the terms of the consent order agreed to on July 17, 1980, OKC has remitted $4,750,000 to the DOE in settlement of enforcement actions alleging violations of DOE's price regulations. This money is being held in an escrow account in the United States Treasury pending instructions from DOE regarding the disposition of the funds.

I. Background

OKC is a producer and refiner of crude oil as those terms were defined in 10 CFR 212.31. During the relevant time period, OKC was therefore subject to the Manadatory Petroleum Price Regulations contained in 10 CFR Part 212. In settlement of possible enforcement actions based upon these regulations, OKC entered into a consent order with DOE on July 17, 1980, in which it agreed to pay $4,750,000 to the DOE. The consent order settled all claims which the OE could have pursued under the price regulations relating to transactions by OKC involving crude oil, residual fuel oil, or refined petroleum products for the period from August 1973 to the settlement date. The Consent order also established procedures to audit OKC's compliance with the DOE allocation regulations including those governing the Entitlements Program, 10 CFR 211.67.

Notice of the consent order was published in the **Federal Register** for public comment on July 31, 1980, and a press release was issued, 45 FR 50865. Interested parties were invited to submit written notice to DOE of potential claims against the settlement fund. Notice of claims were filed by 24 persons, two of whom commented on the consent order. A notice responding to the comments was published in the **Federal Register** on February 12, 1981. 46 FR 12051.

II. Subpart V Jurisdiction and Authority to Fashion Refund Procedures

In an Interlocutory Order issued on April 6, 1981, we determined that the jurisdictional prerequisites for the establishment of special refund procedures were satisfied in the case of OKC. *Office of Enforcement*, 8 DOE ¶ 82,651 (1981). In that decision we found that the persons who may be entitled to a portion of the OKC consent order fund are not readily identifiable, and the amounts to which those persons may be entitled are not readily ascertainable. 10 CFR 205.280. We therefore concluded that a proceeding under Subpart V to implement special refund procedures was appropriate in this case.

In comments which it submitted on the consent order, Town and Country Markets, Inc. objects to the implementation of special refund procedures in this case. The firm contends that both the persons to whom refunds are owed and the amounts which they are due are readily ascertainable. The firm maintains that this information is available to the Office of Enforcement by virtue of its access to OKC's books and records and that the OE is therefore better suited than the OHA to make decisions as to who was overcharged. Finally, the firm alleges that the shift in the locus of decision-making from OE to OHA unfairly burdens overcharged purchasers, who will be required to prove damages before the OHA.

We disagree with Town and Country's contentions. We note initially that Subpart V proceedings are part of an overall enforcement program designed to accomplish two independent purposes: disgorgement of the fruits of a regulatory violation from the wrongdoer, and refunding money to persons injured by the alleged regulatory violation. *See generally Office of Enforcement*, 8 DOE ¶ 82,597 (1981) (hereafter cited as *Vickers*); *Sauder* v. *DOE*, 648 F.2d 1341 (Temp. Emer. Ct. App. 1981). It is this second objective to which the Subpart V regulations are specifically addressed, providing a means of distributing funds to those persons ijjured as a result of ahleged regulatory violations. While it may be possible to obtain a list of direct purchasers from OKC's records, this group is not necessarily the same as the group of persons injured by the alleged overcharges because skme of these purchasers may have passed on the overcharges to their customers. Thus, implementation of Subpart V proceedings is appropriate in this case.

Recent chajges in the regulatory system have also made Subpart V proceedings appropriate in a case such as this. Until January 28, 1981, crude oil and refined petroleum products were subject to a comprehensive price regulation scheme which could be utilized to facihitate the channeling of refunds to perskns adversely affected by alleged violations of those regulations through price rollbacks. However on January 28, 1981, the President exempted crude oil and all refined petrkleum products from the DOE regulatory program. Exec. Krder No. 12287, 46 FR 9909 (1981). As a result of decontrol, there is no maximum lawful price upon which a rollback krder may be based. Therefore, to refund money to parties affected by the alleged overcharges, a determination must be made regarding the extent to which purchasers of the products involved absorbed the overcharges or passed the higher costs through to their customers by raising sales prices. Although DOE's enforcement officials may agree to a mechanism for making refunds to first purchasers alone in the context of a consent order, a Subpart V proceeding is governed by different standards. Under

Subpart V, refunds are to be made "*to injured persons.*" 10 CFR 205.280 (emphasis added). In this context, refunds to first purchasers alone, now that decontrol has occurred, could produce a windfall to them with no benefit to their customers through lowered prices. Under these circumstances, we believe that Subpart V provides the most useful mechanism to affect restitution to those persons who were likely to have been injured by these alleged pricing violations.

III. Proposed Refund Procedures

In view of the objectives expressed in the statutes and regulations discussed above, and the OKC consent order, the procedures to be implemented in this case should, to the maximum extent practicable, provide for the distribution of the moneys involved to parties who bore the adverse effects of the alleged regulatory violations.

As we have stated before, refunding money obtained through enforcement actions is the primary focus of Subpart V, which authorizes the Office of Hearings and Appeals to formulate and implement a process "pursuant to which refunds may be made to injured persons in order to remedy the effects of a violation" of DOE regulations. 10 CFR 205.280; *see Vickers.* It offers a means of compensating many individuals who, because they either lack the resources or do not have a substantial financial stake in the outcome to institute their own private lawsuits under Section 210 of the Economic Stabilization Act of 1970, as amended (ESA), 12 U.S.C. 1904 note, have suffered injuries which would otherwise go unredressed. The Subpart V process is also an efficient administrative mechanism for returning overcharges to injured parties because it may eliminate the need for long and costly court actions.

In our view, the distribution of funds should generally take place in two stages: (i) Payment to persons and firms who file applications for refunds and prove they are entitled to a portion of the funds, and (ii) payment on behalf of injured persons to entities which are in a position to devise and implement compensatory measures which effectuate the restititutionary purposes discussed above. *Vickers,* 8 DOE $82,597 at 85,392. In the event that implementation of the methods discussed above would not accomplish its intended objectives or fails to exhaust all of the settlement fund, § 205.287(c) provides that "any remaining funds * * * shall be deposited in the United States Treasury or distributed in any other manner specified in the Decision and Order referred to in Section 205.282(c)." 10 CFR 205.287(c).

A. Refunds to Identifiable Purchasers

As a first stage, the consent order funds should be distributed to claimants who satisfactorily demonstrate that they have been adversely affected by the alleged overcharges in sales of covered products by OKC. The persons most directly affected by the alleged overcharges are those persons who purchased covered products directly from OKC. To the extent that any of these initial purchasers can establish that it absorbed the alleged overcharges rather than passed them on to its customers, it will be entitled to a *pro rata* share of the consent order funds. In order to qualify for a refund, however, a purchaser will be required to demonstrate that during the period covered by the consent order it could have kept its prices at the same level had it experienced a cost reduction equal to the amount of the refund claimed. In other words, a firm must demonstrate that at the time it purchased covered products from OKC it had unrecovered product costs which were at least equal to the amount of the refund claimed, and that market conditions would not permit it to increase its prices to pass through the higher costs. At a minimum, the firm must have maintained a "bank" of unrecovered costs during each month thereafter in order to support a showing that it did not subsequently recover these costs by increasing its prices. In addition, firms or individuals that purchased OKC covered products from intermediate suppliers may also submit Applications for Refund.

In order to establish an entitlement to a refund, any person claiming to be an injured party must satisfactorily demonstrate that it purchased, during the relevant time period, a specific quantity of products which were produced with or from the crude oil, residual fuel oil or refined petroleum products sold by OKC. Privity with either OKC or one of its first purchasers need not be established; evidence need only be presented that the products purchased by the claimants flowed through a chain of distribution leading back to OKC. In addition, unless the purchaser is an ultimate consumer, it must demonstrate that it did not pass through any cost increases resulting from the alleged overcharges to its own customers. For example, purchasers who resold the identified products must show that market conditions did not permit them to raise prices charged to downstream customers, and that consequently they were forced to absorb any cost increase incurred. In the absence of that showing, we must conclude that the claimant was not injured in a monetary sense by the alleged overcharge. *See Vickers,* 8 DOE $82,597 at 85,393; Office of Special Counsel for Compliance, 4 DOE ¶82,511 at 85,043–44. However, in the *Vickers* decision, we noted that the nature of the showing required could be too complicated for those individuals and firms who might otherwise be entitled to apply for refunds and who purchased relatively small amounts of products. We also observed that many of those purchasers might lack the type of records required to support such a showing. We therefore established in that case a threshold level of purchases under which applicants, primarily smaller firms and individuals, were not required to make a detailed showing of actual injury. For those applicants who were claiming less than that level of purchases, we required only proof of the amount of product purchased by the applicant during the consent order period. However, the *Vickers* decision did require applicants whose purchases exceeded the threshold level to provide detailed information which would establish that they did not pass through the price increases to their customers. This Proposed Decision is being published in the **Federal Register** so that interested parties will have an opportunity to submit comments on the tentative distribution scheme. We will consider using the same type of treatment for smaller claimants in this proceeding, and we specifically request comments from the public on this issue. *See Vickers; Office of Special Counsel for compliance,* 4 DOE ¶ 82,511, at 85,043–44.

Refunds to persons who establish their entitlement to a refund would be made on a volumetric basis—*i.e.,* the refund would be based on the proportion of a specific OKC covered product purchased by the applicant to the total amount of that covered product marketed by OKC during the relevant period.

In comments which it submitted to the consent order and in comments submitted in connection with the adoption of special refund proceedings, Town and Country Markets, Inc. has argued that the DOE lacks authority to distribute refunds to persons or entities other than direct purchasers. (*2*) The firm also objects to what it characterizes as a "presumption" against direct purchasers, requiring them to meet the difficult burden of proving that they did not pass on the overcharges. The firm cites as its main support for its positions

the antitrust case of *Illinois Brick Co. v. Illinois*, 431 U.S. 720 (1977) (hereinafter cited as *Illinois Brick*).

In *Illinois Brick*, the Court held that the "pass-on" theory could not be used offensively by a plaintiff who was not a direct purchaser from the defendant but claimed that the effects of an anti-trust violation had been passed on to it by an intermediate party. The Court had previously held, in *Hanover Shoe v. United Shoe Machine Corp.*, 392 U.S. 481 (1968) that "passing on" could not be used as a defense in a private antitrust action by a defendant alleging that the plaintiff had passed on the resulting overcharges to its customers and therefore suffered no injury.

We have discussed at great length the factors distinguishing private anti-trust actions brought under section 4 of the Sherman Act from government actions brought under section 209 of the Emergency Stabilization Act, such as the instant cased, in our recent decision in *Office of Enforcement*, 9 DOE ¶——, No. BEF–0036, (November 20, 1981) (hereinafter cited as *Coline*). In *Coline* we held that the considerations underlying the exclusion of pass-on evidence in private antitrust actions, as well as private actions brought under ¶ 210 of the ESA, were inapplicable to ¶ 209 actions. Consequently we reaffirmed our authority to require proof by a claimant that it absorbed overcharges in order to establish entitlement to a portion of the settlement fund. Town and Country has presented no new arguments in this proceeding which would lead us to alter our position on this matter.

We now turn to a consideration of the specific provisions recommended to us for adoption by the parties to the consent order. In order to encourage voluntary settlements in DOE enforcement proceedings, we give substantial weight to consent order provisions, even where they are not binding upon OHA. *See Vickers*. We note, however that the OKC consent order itself recognizes that its terms are not intended to be inflexible. That consent order states that "[t]he petition shall include a statement that the Office of Enforcement and OKC recommend that the OHA adopt the following requirements for the distribution of the monies under the Special Procedures * * *." July 17 Consent Order at 7. Thus, it is clear that the procedures subject to this condition are recommendations by OKC and the Office of Enforcement and are not binding on the OHA.

The first of the procedures which the OKC consent order advises us to adopt is a provision that any OKC purchaser accepting a refund from the consent order funds must waive its right to bring a private lawsuit under section 210 of the Economic Stabilization Act, 12 U.S.C. 1904 note, seeking damages for alleged overcharges by OKC during the audit period:

> [A]s a condition precedent to any claimant's eligibility to receive a refund, the claimant shall be required to waive and release all other claims and remedies against OKC with respect to any possible violation of applicable DOE petroleum price statutes or regulations which may have been committed during the settlement period.

July 17 Consent Order at 7. In comments on the consent order and on the adoption of Subpart V proceedings, Town and Country Markets, Inc., a potential claimant in this proceeding, has stated its objection to this provision. The firm points out that there is no danger of double recovery here since any refund obtained as a result of the consent order will reduce that claimant's recovery in any private cause of action. Thus, Town and Country argues, the waiver provision "has no purpose other than to deprive overcharged purchasers of their statutory right to bring a private cause of action against a party that has violated the regulations." Town & Country September 2, 1980 Comments at 4.

We have most recently considered this issue in *Vickers*, where we adopted the requested waiver requirement. Noting that requested provisions of this type will be carefully examined, we distinguished the situation in *Vickers* from the situation in *Conoco, Inc.*, 4 DOE ¶ 82,544 (1979) where a firm's request for such a provision was rejected. In *Conoco* no reference to such a provision was made in the consent order. In addition, we observed that the Conoco consent order was negotiated as a result of a criminal action in which the firm pleaded *nolo contendere* to a felony charge, making false records, and a misdemeanor charge of violation of Cost of Living Council Regulations. We found "wholly unreasonable" Conoco's attempt "to use the [consent order] payment which it had been ordered to make in connection with these criminal matters to gain considerable benefits at the expense of the statutory rights of the purchasers of its products." *Id.* at 85, 152–53. In contrast, in *Vickers* as in the present case, the proposed election provision is a part of the consent order and no criminal action has been brought. Thus, the proposed election provision is an integral part of the consent order, and represents a carefully negotiated compromise concerning OKC's possible liability for civil violations of the DOE price regulations. *See United States* v. *Armour & Co.*, 402 U.S. 673, 681 (1971).

For the reasons indicated below, we have decided to adopt the requested consent order provision. Adoption of the election of remedies provision is appropriate because it is not inconsistent with the purposes of Subpart V, it furthers important policies, and it implements the recommendation of the consent order.

Significantly, we believe that the adoption of the type of election provision requested in this case will encourage settlements between DOE and regulated firms. Regulated companies are more likely to be willing to enter into settlements with DOE if we determine that election of remedies provisions may be approved and we adopt the proposed provision. We reach this conclusion because of the effect election provisions may have on a company's potential liability under Section 210. When election of remedies provisions are executed by persons seeking administrative refunds, the regulated company's potential exposure to liability in private damage actions is reduced. Accordingly, approval of the proposed provision which was bargained for by OKC should foster settlements, and settlements as a general matter are in the public interest because they permit DOE to enforce its regulatory program efficiently and effectively and to bring its enforcement activities to a speedy conclusion.

Moreover, no rights of any injured party will be prejudiced by the adoption of the election provision. Notice of the right to file an Application for Refund under 10 CFR 205.283 from the OKC consent order fund will be widely publicized (see discussion below). This notice will apprise direct purchasers of their right to bring a section 210 action as well as the waiver requirement. We note that the Supreme Court has expressly approved as an appropriate exercise of equitable discretion a similar requirement that an individual who claims a portion of a money judgment obtained by the Equal Employment Opportunity Commission in the context of a Title VII action, 42 U.S.C. § 2000e, be required to relinquish the right to bring a private action under that Act. *General Telephone Co.* v. *EEOC*, 100 S. Ct. 1698, 1708 n.15 (1980); *see also United States* v. *Allegheny-Ludlum Industries, Inc.*, 517 F. 2d 826, 860–64 (5th Cir. 1975), *cert. denied*, 425 U.S. 944 (1976). We note that it is not necessary for a claimant to execute an election of remedies provision when filing an Application for Refund. Eligible claimants who have not filed an election

of remedies provision will be notified of the approved amount of their refunds, and a comparable statement must then be executed before payment is authorized.

The second recommendation contained in the consent order and advanced in the Subpart V petition is that no funds be disbursed for a period of two years from the effective date of the consent order. Both comments received in response to the consent order (from Southland Corp. and Town & Country Markets, Inc.) contain objections to this provision. Upon consideration of the provision and the comments, we find no significant justification for its adoption. OKC and OE have not indicated any beneficial purpose which would be served by this provision, and in our view a delay in disbursement of funds would only operate to the disadvantage of those persons rightfully entitled to refunds.

At this time we have determined that two groups of purchasers should not be eligible to receive refunds during the first-stage refund process. First, we will not approve Applications for Refund from firms who made only spot market purchases of OKC crude oil, residual fuel oil or refined petroleum products. We believe that those customers tend to have considerable discretion in where and when to make purchases and would therefore not have made spot market purchases of OKC products at increased prices unless they were able to pass through the full amount of OKC's quoted selling price at the time of purchase to their own customers. Thus, these spot market purchasers as a group would not have incurred injury as a result of the OKC alleged regulatory violations, and should not be permitted to beneifit from the consent order.

The second group we will exclude from the first-stage refund procedure consists of a number of independent brokers who will be identified in the final Decision and Order. These brokers, who were resellers of OKC products, engaged in various activities in connection with Mr. Cloyce Box, then president of OKC, to circumvent DOE regulations. Their activities have been brought to our attention by the DOE Office of Special Investigations, which has investigated the activities of several of these brokers and referred the matter to the Department of Justice. We have been informed, and are in the process of obtaining supporting documentation, that criminal charges have been brought against these individuals in federal district court and they have been found guilty or pled guilty to the charges. In our view brokers who have criminally circumvented DOE regulations should not now be permitted to profit from their illegal activities at the expense of the rights of OKC's other purchasers. Consequently, these parties will be ineligible to receive any portion of the OKC consent order fund.

Any purchaser claiming a portion of the refund amount will be entitled to file an Application for Refund pursuant to 10 CFR 205.283. Applications should provide all relevant information necessary to establish a claim, including specific documentation concerning the date, place, price, and volume of product purchased, the retention of increased costs, and the extent of any injury alleged.

Detailed procedures for filing applications will be provided in a final Decision and Order. Before disposing of any of the funds received as a result of the consent order involved in this proceeding, we intend to widely publicize the distribution process and to provide an opportunity for any affected party to file a claim. In addition to publishing notice in the **Federal Register**, notice will be provided in trade journals and in other publications in the areas in which KKC marketed its products during the period covered by the consent order. As a final matter, we note that refund applications filed on behalf of groups of claimants identifying themselves as adversely affected purchasers also will be considered. Applications that are submitted on behalf of groups of purchasers will be evaluated on a case-by-case basis.

B. Distribution of the Remainder of the Refund Amount

After all meritorius claimants have received the share of the settlement fund to which they are entitled, the fund, while diminished, may not be exhausted. The remainder of the funds should be distributed during the second stage of the refund process in furtherance of the goals set forth in the DOE's enabling legislation and implementing regulations. In this decision, we are proposing several alternatives for the second-stage refund procedure. However, we wish to emphasize that any consideration of the second-stage procedure at this point in time involves a number of uncertainties. As we noted in *Vickers*, such a step would be difficult to take before the analysis and processing of Applications for Refund filed in the first stage of the distribution of the consent order funds to claimants, since the amount remaining after all meritorius claims have been paid directly affects the appropriateness of the second-stage distribution scheme. *Vickers*, 8 DOE ¶ 82,597 at 85,397. As in that case, we intend to set forth a number of second-stage alternatives in this proposed decision, consider the comments received after publication in the **Federal Register**, and then issue a final Decision and Order establishing procedures for the first stage. In that decision, we will summarize and address briefly the comments received concerning the proposed second-stage procedure, and will solicit another round of comments on the distribution of the funds remaining after payment of claims in the first stage. In this way, we will have several opportunities to consider the outstanding issues before reaching a final decision on the second stage.

Since refunding money is the primary concern of Subpart V proceedings, we believe that the remaining funds should, if administratively and economically feasible, be distributed to groups of ultimate consumers who were likely to have borne a portion of the higher prices charged by OKC. In view of the relatively small sums of money likely to be involved in claims by many ultimate consumers, and the improbability that members of this class will possess records sufficient to establish their claims, we anticipate that only a limited number of ultimate consumers who were actually injured by the alleged overcharges will be able to prove during the first stage of the refund process that they are entitled to refunds. *See Vickers*. The fact that claims to specific refunds may not have been proved, however, does not mean that injuries to ultimate consumers have not occurred. Rather, the absence of claims for the full amount of the settlement would tend to reflect the difficulty such parties encounter in establishing a valid claim for a portion of the consent order funds.

In *Office of Enforcement*, No. BEF-0021 (March 13, 1981) (proposed decision) (hereinafter referred to as *Alcoa*) we observed that the first purchasers of the products covered by the consent orders are in the best position to assist the DOE in identifying and distributing refunds to those persons who are likely to have been injured by the alleged overcharges. *Alcoa*, slip op. at 9. In this case as well, we believe that OKC's first purchasers can most effectively assist the DOE in channeling the remaining consent order funds to persons who are most likely to have been injured by the allged overcharges. Consequently, one alternative we propose is that after payments are made to successful claimants, any remaining funds be distributed through the first purchasers. We invite those firms to develop and

submit to us plans for returning these funds to the parties who likely paid increased prices as a result of the alleged overcharges. The plans should identify the end-users, or groups of end-users, who were most likely to have been adversely affected by the alleged overcharges made by the resellers in this proceeding. Each firm should take into account its distribution and marketing system and its method of calculating prices during the relevant period. To the extent that purchases of a product from particular firms can be isolated in the appropriate distribution system, the plans should limit the proposed refunds to customers who were downstream purchasers of the products covered by the consent order. The plans should also be designed to exclude from participation in this stage of the refund process any purchaser who recoverd a portion of the consent order funds during the first-stage distribution to successful claimants. In addition, consideration should also be given to the cost efficiency and administrative ease of any proposed refund plan.

Although the primary aim of the Subpart V process is to distribute the consent order funds to the parties who were injured as a result of alleged overcharges, we recognize that in some cases a firm would not be inclined to spend the time or resources necessary to develop and implement an effective restitutionary plan and thus, in several instances injuries may go unredressed. For example, the funds to be distributed by a particular firm may be so small in relation to the number of parties entitled to share in the proceeds that the costs to the firm would outweigh the benefits of the plan. (3) Under such circumstances, the costs associated with administering a refund plan would be out of proportion to the fund available for distribution. Therefore, it is likely that a first purchaser dealing with such a small amount would not be inclined to develop and implement a resitutionary plan.

As an alternative to the method of distribution outlined above, refunds might be made in the form of lowered energy or energy related costs in areas where the products associated with the alleged overcharges by OKC were marketed. For example, in *Office of Special Counsel for Compliance*, No. DFF-0003 (March 13, 1981) (proposed decision) we proposed that the second-stage refund to consumers who were likely to have been overcharged be effected by using rate-regulated utilities to pass through the remaining funds to consumers through fuel adjustment clauses or other appropriate mechanisms. We observed that it is likely that the persons who purchased motor gasoline or heating oil in a particular area would reside there as well and would be ultimate consumers of electricity. They would therefore benefit from the proposed rate reduction. We further suggested that state governments in the affected areas also may be designated as refund recipients for the purpose of reducing energy-related expenses subject to their direct control. Although we cannot yet determine what actions we will take in the second stage, we will consider this type of restitutionary scheme as one possible alternative.

In the event that the distribution schemes discussed above prove to be inappropriate because of administrative costs or the lack of accurate information, we propose that the portion of the settlement fund which would go undistributed be deposited in the United States Treasury. We also propose as an alternative to the distribution scheme outlined above that any funds remaining after the first stage claims procedure be deposited directly into the United States Treasury. Subpart V regulations specifically sanction this course of action, *see* 10 CFR 205.287(c), and direct payments to the Treasury may well be appropriate in those cases where other remedies would be ineffectual or administratively burdensome. *See Citronnelle-Mobile Gathering, Inc. v. O'Leary*, 499 F. Supp. 871 (S.D. Ala. 1980); *Golden Eagle Oil Co.*, 6 DOE ¶ 83,005 at 86,065 (1980); *Chana's Auto Service Center*, 8 DOE ¶ 83,002 (1981). However, as noted above, we will not be in a position to decide what should be done with any remaining funds until after the first-stage refund procedure is completed. Only then will we know the amount of money available for the second stage of the refund process. This factor, as noted above, will strongly influence the ultimate disposition of those funds.

It is therefore ordered that:

The $4,750,000 refund amount provided by OKC Corp. in accordance with the July 17, 1980 Consent Order will be distributed in the manner set forth in the foregoing Decision.

Footnotes

(1) The Economic Regulatory Administration has recently been reorganized. Under that reorganization, the Office of Enforcement has been integrated into the Office of Special Counsel. However, throughout this decision we will continue to refer to the Office of Enforcement.

(2) On July 2, 1981, Town and Country Markets, Inc. submitted comments to this office regarding the adoption of Special Refund Procedures under Subpart V. Town and Country acknowledged in its submission that comments had not been solicited at this stage of the proceeding but stated that it believed "that the significant interest it has in the disposition of the refunds makes these comments appropriate prior to the issuance of a proposed Decision and Order (PDO) in this matter." Letter from William W. Scott to Terry Johnson, June 30, 1981 at 1. Since these comments simply elaborate on Town and Country's September 2, 1980 comments on the consent order, and in view of our full discussion of these arguments in *Coline* (cited below), we find it unnecessary to consider whether these comments are appropriately before us.

(3) For example, in *Office of Enforcement*, No. BEF-0014 (May 22, 1981) (proposed decision), preliminary data supplied by the Office of Enforcement indicated that four of one firm's first purchasers would have available for distribution the following amounts: $56.25, $43.75, $518.75, and $537.50. *Id.*, slip op. at 10.

[FR Doc. 81-37191 Filed 12-29-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[PF-146A; PH-FRL-2013-8]

E. I. Du Pont de Nemours and Co.; Amendment to Pesticide Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: E. I. du Pont de Nemours and Co. has amended a pesticide petition (PP 9F2238) proposing the establishment of a tolerance for residues of the insecticide oxamyl to include the raw agricultural commodity peanut forage.

ADDRESS: Written comments to: Jay S. Ellenberger, Product Manager (PM) 12, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Jay S. Ellenberger (703-557-2386).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of August 24, 1979 (44 FR 49789), announcing that E. I. du Pont de Nemours and Co., Wilmington, DE 19898, had submitted a pesticide petition (PP 9F2238) proposing that 40 CFR 180.303 be amended by establishing tolerances for residues of the insecticide oxamyl (methyl *N',N'*-dimethyl-*N*-[(methylcarbamoyl)oxy]-1-thiooxamimidate) in or on the raw agricultural commodities peanuts and peanut hulls at 0.2 ppm and peanut hay at 10.0 ppm.

E. I. du Pont de Nemours and Co. has submitted an amendment proposing to

include peanut forage at 2.0 ppm. The proposed analytical method for determining residues is by flame photometric gas chromatography.

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136))

Dated: December 10, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-36702 Filed 12-29-81; 8:45 am]

BILLING CODE 6560-32-M

[PF-253; PH-FRL—2013-6]

Mobay Chemical Corp.; Amendments to Pesticide Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Mobay Chemical Corp. has amended a pesticide petition (PP 2F1244) proposing the establishment of tolerances for residues of the insecticide *O*-isopropoxyphenyl methylcarbamate and its carbamate metabolites in or on certain raw agricultural commodities.

ADDRESS: Written comments to: Jay S. Ellenberger, Product Manager (PM) 12, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Jay S. Ellenberger (703-557-2386).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of June 3, 1972 (37 FR 11198), announcing that Mobay Chemical Corp, PO Box 4913, Hawthorn Rd, Kansas City, MO 64120, had submitted a pesticide petition (PP 2F1244) proposing that 40 CFR Part 180 be amended by establishing tolerances for residues of the insecticide *O*-isopropylphenyl methlylcarbamate and its carbamate metabolites in or on the raw agricultural commodities alfalfa hay at 100 part per million (ppm); fresh alfalfa at 65 ppm; pasture grass hay at 55 ppm; pasture grass at 35 ppm; oat fodder and forage at 2 ppm; oat straw at 1 ppm; oat grain and meat, fat, and meat byproducts of cattle, sheep, and goats at 0.1 ppm; and milk at 0.01 ppm.

Mobay Chemcial Corp. has submitted amendments to the petition as follows:

(1) Increasing the proposed tolerances for meat, fat, and meat byproducts of cattle, goats, and sheep from 0.1 ppm to 0.2 ppm and milk from 0.01 ppm to 0.1 ppm.

(2) Adding a tolerance proposal of 0.2 ppm for meat, fat, and meat byproducts of hogs, horses, and poultry and eggs at 0.04 ppm.

The proposed analytical method for determining residues of the insecticide is a procedure in which the parent compound and its *N*-hydroxymethyl metabolite are hydrolyzed and reacted with trichloracetyl chloride, and the *O*-hydroxy metabolite reacted without prior hydrolysis. The derivatives are analyzed by gas chromatography using and electron capture detector.

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136))

Dated: December 10, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-36699 Filed 12-29-81; 8:45 am]

BILLING CODE 6560-32-M

[PP 1G2512/T341; PH-FRL—2014-1]

Methomyl; Establishment of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has established temporary tolerances for residues of the insecticide methomyl, *S*-methyl *N*-[(methylcarbamoyl)oxy]thioacetimidate, in or on the raw agricultural commodities, pineapple at 0.2 part per million (ppm) and pineapple forage at 1.0 ppm.

DATE: These temporary tolerances expire October 27, 1983.

FOR FURTHER INFORMATION CONTACT: Jay Ellenberger, Product Manager (PM) 12, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 202, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-2386).

SUPPLEMENTARY INFORMATION: Shell Oil Co., 1025 Connecticut Ave., NW., Suite 200, Washington, DC 20036, has requested the establishment of temporary tolerances for residues of the insecticide methomyl, *S*-methyl *N*-[(methylcarbamoyl)oxy]thioacetimidate, in or on the raw agricultural commodities, pineapple at 0.2 ppm and pineapple forage at 1.0 ppm.

These temporary tolerances will permit the continued marketing of the above raw agricultural commodities when treated in accordance with the provisions of experimental use permit 201-EUP-72, which is being issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and all other relevant material were evaluated, and it was determined that establishment of the temporary tolerances will protect the public health. Therefore, the temporary tolerances have been established on the condition that the pesticide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the experimental use permit.

2. Shell Oil Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These tolerances expire October 27, 1983. Residues in excess of these amounts remaining in or on the raw agricultural commodities after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerances. These tolerances may be revoked if the experimental use permit is revoked or if any experience or scientific data with this pesticide indicate that such revocation is necessary to protect the public health.

As required by Executive Order 122291, EPA has determined that these temporary tolerances are not a "Major" rule and therefore do not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted temporary tolerances from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 610-612), 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(j), 68 Stat. 516, (21 U.S.C. 346a(j)))

Dated: December 10, 1981.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-36703 Filed 12-29-81; 8:45 am]

BILLING CODE 6560-32-M

[TSH-FRL-2017-5; OPTS-51373]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of three PMNs and provides a summary of each.

DATES: Written comments by:

PMN 81-642: February 16, 1982.
PMN 81-643 & 81-644: February 19, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS-51373]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460, (202-382-3532).

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, DC 20460, (202-426-2601).

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMNs received by EPA:

PMN 81-642

Close of Review Period. March 18, 1982.

Manufacturer's Identity. Calgon Corporation, P.O. Box 1346, Pittsburgh, PA 15230.

Specific Chemical Identity. Terpolymer of dimethyl diallyl ammonium chloride/acrylamide/sodium acrylate.

Use. The manufacturer states that the PMN substance will be used as an industrial thickner, stablizer, dispersant, coagulant, rheological modifer.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties.

Appearance—Viscous, white liquid free of gel with ammonical odor
pH—7-10
Specific gravity—0.95-1.05 g/ml
Boiling point—>212°F
Melting point—>100°C
Volatile matter @ 450°C—99.30%
@ 900°C—99.83%
Ash @ 450°C—0.70%
@ 900°C—0.17%
Solubility:
Water—Soluble
Ethyl alcohol—Slightly soluble
Methyl alcohol—Slightly soluble
Acetone—Insoluble
Isopropyl alcohol—Insoluble
Ethyl acetate—Insoluble
Ether—Insoluble
Hexane—Insoluble
Carbon tetrachloride—Insoluble
Kerosene—Insoluble
Water content—Variable—dilute aqueous solution through dried solid

Toxicity Data

Oral LD_{50} (rats)—
> 10 gm/kg highest level tested in male and female (1967)
> 4.64 gm highest level tested in male and female (1969)
Eye irritation, Draize (rabbits)—Not irritating, no corneal damage to eye
Primary skin irritation (rabbits)—Variable results "precluded precise scoring for primary irritation" (1967) 5 or 6 rabbits no effect; 6th rabbit showed a "corrosive type" reaction

Exposure. The manufacturer states that during manufacture and disposal up to 6 shift workers may experience dermal exposure up to 24 hrs/day, during blending, manufacturing, and cleaning.

Environmental Release/Disposal. The manufacturer states that 100-1,000 kg/yr will be released to air 24 hrs/day, 1,000-10,000 kg/yr to land, and 10-100 kg/yr rarely to water.

PMN 81-643

Close of Review Period. March 21, 1982.

Manufacturer's Identity. Buckman Laboratories, Inc., 1256 N. McLean Boulevard, Memphis, TN 38108.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Cationic acrylamide copolymer.

Use. The manufacturer states that the PMN substance will be used as a paper making additive and flocculant.

PRODUCTION ESTIMATES

	Pounds per year	
	Minimum	Maximum
1st year	20,000	60,000
2d year	50,000	100,000
3d year	75,000	150,000

Physical/Chemical Properties

pH—2.0 to 3.5
Specific gravity—1.03 to 1.06
Flash point—> 200°F
Viscosity—1,000-5,000 cPs

Toxicity Data. Further clarification needed before information may be released to the public files.

Environmental Test Data. Further clarification needed before information may be released to the public files.

Exposure. The manufacturer states that during manufacture and processing 6 workers may experience dermal exposure 12 hrs/day, 30 days/yr.

Environmental Release/Disposal. Disposal is to a publicly owned treatment works (POTW).

PMN 81-644

Close of Review Period. March 21, 1982.

Manufacturer's Identify. Buckman Laboratories, Inc. 1256 N. McLean Boulevard, Memphis, TN 38108

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Cationic acrylamide copolymer.

Use. The manufacturer states that the PMN substance will be used as a paper-making additive and a flocculant.

PRODUCTION ESTIMATES

	Pounds per year	
	Minimum	Maximum
1st year	20,000	60,000
2d year	50,000	100,000
3d year	75,000	150,000

Physical/Chemical Properties

pH—2.0 to 3.5
Specific gravity—1.03 to 1.06
Flash point—> 200°F
Viscosity—1,000-5,000 cPs

Toxicity Data. Further clarification needed before information may be released to the public files.

Environmental Test Data. Further clarification needed before information may be released to the public files.

Exposure. The manufacturer states that during manufacture and processing 6 workers may experience dermal exposure up to 12 hrs/day, 30 days/yr and that during use 250 workers may experience dermal exposure up to 1 hr/day, up to 100 days/yr. The manufacturer states that exposure will occur from splashing during sampling and drumming.

Environmental Release/Disposal. No data were submitted. Disposal is to a publicly owned treatment works (POTW).

Dated: December 23, 1981.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 81-37185 Filed 12-29-81; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL COMMUNICATIONS COMMISSION

Privacy Act of 1974; Annual Publication of Notices of Systems of Records

AGENCY: Federal Communications Commission (FCC).

ACTION: Notice; annual publication of notices of systems of records.

SUMMARY: The purpose of this notice is to meet the requirements of the Privacy Act of 1974 regarding the annual publication of an agency's notices of systems of records.

COMMENT DATE: Interested parties may submit written comments regarding any of the changed or new routine uses in these notices. To be considered, comments must be received on or before January 29, 1982.

ADDRESS: Address comments to the FCC Privacy Act Officer (Room A-102), Records Management Branch, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554. Comments received will be available for public inspection between 8 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: The appropriate system manager.

SUPPLEMENTARY INFORMATION:

Table of Contents:

Broadcast Bureau (BCB)
BCB-1, Broadcast Station Ownership Interest File, Common Carrier Bureau (CCB)
CCB-1, Alphabetical Complaint and Inquiry File
CCB-2, Contracts for Personal Service
CCB-3, Employment Discrimination Complaints
CCB-4, Public Land Mobile Radio Operators File, Field Operations Bureau (FOB)
FOB-1, Radio Operator Records
FOB-2, Violators File Records Kept on Individuals, Office of Science and Technology (OST)—formerly Office of Chief Engineer (OCE)
OST-1, Experimental Radio Station Licensee File, Office of Managing Director (OMD)—formerly Office of Executive Director (OED)
OMD-1, Docket History Cards
OMD-2, Employee Relations Case File
OMD-3, National Industry Advisory Committee Membership
OMD-4, Security Office Control Files
OMD-5, State and Operational Areas Emergency Communications Commission
OMD-6, Money Received, Refunded and Returned, Office of General Counsel (OGC)
OGC-1, Alleged Violators File (Ex Parte Rules)
OGC-2, Attorney Misconduct Files
OGC-3, Employee Complaint Adjudication
OGC-4, Parties Involved in Current Litigation Before Federal Courts
OGC-5, Parties with Pending Civil Cases Before any District Court
OGC-6, Private or Civil Injury Claimants
Cable TV Bureau (CTB)
CTB-1, Cable Operator Ownership File, Private Radio Bureau (PRB)—formerly Safety and Special Radio Services, (SSRS)
PRB-1, Amateur and CB License Fees, Refunded and Uncollectable
PRB-2, Application and License File
PRB-3, Current Projects File
PRB-4, Licensees or Unlicensed Persons Operating Radios Improperly
PRB-5, Application Review List for Present or Former Licensees, Operators or Unlicensed Persons Operating Radio Equipment Improperly
FCC/Central-1, Pay, Leave and Travel Records
FCC/Central-2, Employee Locator Card Files
FCC/Central-3, Grievance Records
FCC/Central-4, Employee Activity Reporting System
FCC/Central-5, Alcoholism and Drug Abuse Case Files
FCC/Central-6, Personnel Investigation Records
FCC/Central-7, Freedom of Information Case Files

As required by the Privacy Act, 5 USC 552a(e)(4), this document sets forth the annual notice of the existence and character of the system of records maintained by the FCC. The complete text of all FCC notices of systems of records appears below. Effective 2/1/82, three new systems are being added due to administrative oversight: PRB-4, Application Review List for Present or Former Licensees, Operators, or Unlicensed Persons Operating Radio Equipment Improperly; OMD-4, Security Office Control Files; Central-7, Freedom of Information Case Files.

In a few cases no changes have been made to the notice and in some cases only slight, administrative changes have occurred, e.g., a change in location of records, a change in retention schedule. The majority of system changes include deleted systems which fall within the scope of established Office of Personnel Management (OPM) governmentwide systems, and deletions through consolidation of individual Bureau/Office systems under an FCC-wide system.

The following systems are being deleted because they fall within the scope of established OPM governmentwide systems. The Commission systems entitled, Employee Records, for the following offices are being deleted because they fall within OPM-1, General Personnel Records: BCB-4, CTB-3; COMM-2; CCB-6; FOB-1; ALJ-2; OCE-2; OGC-12; SSRSB-6; OOR-1; OPP-1; RB-1.

The systems regarding "Applications" for the following Offices are being deleted because they fall within OPM-5, Recruiting, Examining and Placement Records: CTB-1; COMM-1; CCB-2; OGC-4; OPP-2.

The systems being deleted which fall within the scope of OPM-8, Confidential Statements of Employment and Financial Interests, are OED-5, Financial Disclosures by Employees, and OGC-7, Conflict of Interest by Commission Employees and Prospective Employees.

Many of the Commission's systems are being consolidated under an FCC/Central identity to reflect systems common to two or more bureaus/offices within the agency, or which may include all Commission employees under the element, "Categories of Individuals Covered by the Systems". The new FCC/Central systems and their respective Bureau/Office consolidations are as follows:

FCC/Central-1, Pay, Leave and Travel Records replaces similar systems for the following: CTB-4; CCB-9; Administrative Law Judges (ALJ)-3; OGC-10; PRB-7; and OED-12.

FCC/Central-2, Employee Locator Card Files, replaces OED-13, Employee Locator Records. FCC/Central-3, Grievance Records, establishes a Commissionwide system since OPM discontinued its governmentwide system entitled, Grievance Records, OPM-GOVT-2. FCC/Central-4, Employee Activity Reporting System replaces the following similar systems: BCB-3; CTB-2; ALJ-1; OCE-1; OED-1; PRB-5. FCC/Central-5, Alcoholism and Drug Abuse Case Files replaces OED-2 of the same name. FCC/Central-6, Personnel Investigation Records, replaces OED-8, Personnel Investigations of Employees and OED-9, Personnel Investigations of Members of Advisory Committee.

The following systems are being deleted since they do not meet the Privacy Act system definition; that is, they are not accessible by individual identifiers: BCB-2, Complaints Against Broadcast Stations; CCB-3, AT&T Witness File; CCB-5, Correspondence Associated with Docketed Matters; OGC-1, Alien Rights Under Section 310; OGC-6, Communications Interception-Section 605; OGC-17, Witness Appearance Request File. OGC-3, Alleged Violators File is being deleted

because the records are contained in the case files of the Field Operations Bureau, FOB–2, Violators File. OGC–9, Convicted Felon Licensees and Suspensions is being deleted because the records are contained in FOB–1, Radio Operator Records. OGC–8, Contracts for Personal Services; OED–6, Index of Commission Agenda Items; OED–10, Project Management of the Data Automation Division; OGC–16, Recess and Interim Appointments of Employees; and PRB–3, Conditional Amateur Licensees, are being deleted because they are no longer maintained.

Requesting Records: Records are retrieved by name or by some other personal identifier. It is therefore especially important for expeditious service when requesting a record that particular attention be provided to the Notification and/or Access Procedures of the particular record system involved so as to furnish the required personal identifiers, or any other pertinent personal information as may be required, to locate and retrieve the record.

FCC/BCB–1

SYSTEM NAME:

Broadcast Station Ownership Interest File.

SYSTEM LOCATION:

1919 M Street, N.W., Washington, D.C. 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Owners of all licensed broadcast stations and officers, directors, and stockholders of corporate owners.

CATEGORIES OF RECORDS IN THE SYSTEM:

Forms 323 and 323E, Ownership Reports, which identify who has ownership interests and the extent of such interests.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 308, 309, 310 of the Communications Act of 1934, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by staff attorneys to determine other broadcast interests, if any, of broadcast applicants; used as a cross check against new ownership reports to see whether any improper transfers of interest have taken place. If the records indicate a possible violation of law, they may be referred to the appropriate agency charged with the responsibility of prosecuting the violation and enforcing the statute or rule.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, index cards, magnetic tape.

RETRIEVABILITY:

By call letters of broadcast stations, by names of owners.

SAFEGUARDS:

Available to the public during Commission business hours.

RETENTION AND DISPOSAL:

Inactive segments are transferred to the Federal Records Center 6 months following the closure of second succeeding renewal period (renewal period is 3 years). Offered to the National Archives 45 years after transfer.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Broadcast Bureau, 1919 M Street, N.W., Washington, D.C. 20554.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Licensees.

FCC/CCB–1

SYSTEM NAME:

Alphabetical Complaint and Inquiry File.

SYSTEM LOCATION:

2025 M Street, N.W., Washington, D.C. 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have made complaints or inquiries.

CATEGORIES OF RECORDS IN THE SYSTEM:

Complaints and related supporting information, company replies to complaints, letters of inquiry and Commission letters regarding such complaints and inquiries.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 208 of the Communications Act; FCC Rules, Section 1.711 et. seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used for handling individual letters of inquiry and complaint.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File cabinets.

RETRIEVABILITY:

Records are retrieved by individual name.

SAFEGUARDS:

Stored in unlocked files and secured in office after hours.

RETENTION AND DISPOSAL:

The records are retained in the Commission's offices for 5 years and then retired to the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Common Carrier Bureau, 1919 M Street, N.W., Washington, D.C. 20554.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Complaints and subject carriers.

FCC/CCB–2

SYSTEM NAME:

Contracts for Personal Services.

SYSTEM LOCATION:

1919 M Street, N.W., Washington, D.C. 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Professional people who bid or are recommended as experts, and whose services are requested for a specific study or case.

CATEGORIES OF RECORDS IN THE SYSTEM:

Background histories, resumes of previous services provided the Commission, workcontracts, salary requests, internal memoranda.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 4(g) of the Communications Act of 1934, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Record is used by administrative personnel to secure qualified persons to serve as expert witnesses or as consultants.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Information in this system is retrieved by name.

SAFEGUARDS:

Records are kept in file cabinets in the bureau administrative office. These offices are locked at the close of each business day.

RETENTION AND DISPOSAL:

These records are retained until their administrative need has ended, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Common Carrier Bureau, 1919 M Street, N.W., Washington, D.C. 20554.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

FCC procurement office, previous employers, college or university officials.

FCC/CCB-3

SYSTEM NAME:

Employment Discrimination Complaints Against Common Carriers

SYSTEM LOCATION:

2025 M Street, N.W., Washington, D.C. 20554

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who send complaint letters to the FCC concerning alleged employment discrimination by common carriers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Complaint letters, responses of the Bureau, any materials gathered in investigating the complaints, and correspondence to other governmental agencies regarding complaints.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 403 of the Communications Act of 1934, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by EEO counsel, members of the Hearing and Legal Division staff to investigate the complaint and take part in the resolution of the matter. The record system may also be referred as routine to the appropriate agency charged with the responsibility of investigating or prosecuting a possible violation of law or charged with enforcing the applicable statutes or rules.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

All records are retrieved by complainant's name.

SAFEGUARDS:

Records are maintained in file cabinets in offices that are locked at the close of each business day.

RETENTION AND DISPOSAL:

Indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Common Carrier Bureau, 1919 M Street, N.W., Washington, D.C. 20554

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Common Carrier officials.

FCC/CCB-4

SYSTEM NAME:

Public Land Mobile Radio Operators File

SYSTEM LOCATION:

1919 M Street, N.W., Washington, D.C. 20554

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Users of mobile units and applicants for service in the Public Land Mobile Radio Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for land mobile radio licenses, copies of licenses; a computerized list of licenses by name and by call sign.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 307 of the Communications Act of 1934, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Mobile Service Division staff to grant, dismiss or revoke applications.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders (computer printout).

RETRIEVABILITY:

Records are retrieved by licensee name.

SAFEGUARDS:

Records are open to public inspection.

RETENTION AND DISPOSAL:

Records are maintained on open shelves for as long as the station is in existence. Files are held for one year after service is terminated, then destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Common Carrier Bureau, 1919 M Street, N.W., Washington, D.C. 20554.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individuals making applications.

FCC/FOB-1

SYSTEM NAME:

Radio Operator Records

SYSTEM LOCATION:

Primary: 1919 M Street, N.W., Washington, D.C. 20554. Secondary: various field facilities (for addresses, See Appendix A).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have applied for radio operator licenses.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for radio operator licenses, examination papers, records of documents issued, correspondence, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Geneva Radio Regulations; 47 U.S.C. Section 303 (l), (m), and 318.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For use in connection with the administration of the Commission's radio operator program including examinations, applications, and determinations of license applicant qualifications. Limited file material concerning licensed radio operators is forwarded to the Office of Managing Director for inclusion of the material in the agency's central computer facility. If the records maintained indicate a possible violation of law, they may be referred, as routine, to the General Counsel and to the appropriate agency charged with the responsibility of investigating or prosecuting such violation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, microfilm (applicants names only).

RETRIEVABILITY:

All records in this system are retrievable by applicant name.

SAFEGUARDS:

All records are kept in file cabinets, in offices that are secured at the close of each business day.

RETENTION AND DISPOSAL:

Applications are retained for a period of 6 years, transferred to the Federal Records Center for an additional 5 years, then destroyed. (Exception: Restricted Permits are issued for "life" and those applications are therefore retained indefinitely.)

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Field Operations Bureau, 1919 M Street, N.W., Washington, D.C. 20554.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

FOB field employees engaged in radio operator application processing.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system of records are exempt from subsections (c) (3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f) of the Privacy Act because such parts contain investigatory material compiled solely for law enforcement purposes pursuant to Section (k)(2) of the Act.

FCC/FOB-2

SYSTEM NAME:

Violators File (records kept on individuals who have been subjects of FCC field enforcement actions)

SYSTEM LOCATION:

Primary: 1919 M Street, N.W., Washington, D.C. 20554. Secondary: various field facilities (for addresses, See Appendix A).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have been subjects of FCC field enforcement actions (monitoring, inspection, investigation) for violations of radio law, FCC Rules and Regulations, or International Radio Treaties.

CATEGORIES OF RECORDS IN THE SYSTEM:

Inspection reports, complaints, monitoring reports, investigative cases, referral memos, correspondence, discrepancy notifications, warning notices, forfeiture actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

47 U.S. Code, Sections 101, 102, 104, 301, 312, 315, 318, 386, 401, 404, 501, 502, 503.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For use in connection with the Commission's field enforcement programs to determine levels of compliance among radio users; to issue marine certificates of compliance; to prepare requests for sanction action. Where sanctions are requested, file material is forwarded to appropriate offices within the Commission. If the records indicate a possible violation of law, they may be referred, as a routine use, to the appropriate agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing the applicable statutes or rules.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

All records in this system are retrievable by name and by FCC issued call sign.

SAFEGUARDS:

All records are kept in file cabinets, in offices which are secured at the close of each business day.

RETENTION AND DISPOSAL:

All violation notices are maintained for a period of 4 years, then destroyed (classified material is destroyed by burning or shredding).

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Field Operations Bureau, 1919 M Street, N.W., Washington, D.C. 20554.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Commission employees located in the Field Offices, District Offices and Monitoring Stations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system of records are exempt from subsections (c) (3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) of the Privacy Act of 1974, 5 U.S.C. 552(a), and from §§ 0.554–0.557 of the Commission's Rules because such parts are maintained as a protective service for individuals described in Section 3056 of Title 18, and because they are necessary for Commission employees to perform their duties, pursuant to sections (k)(1), (2), and (3) of the Act.

FCC/OST-1

SYSTEM NAME:

Experimental Radio Station License Files

SYSTEM LOCATION:

Room 7216, 2025 M Street, N.W., Washington, D.C. 20554

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Those who have been granted a license to operate an experimental radio station under Part 5 of the Commission's Rules.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains the application form (FCC Form 442, Application for a New or Modified Station) or renewal form (FCC Form 405, Application for Renewal of Station License) and/or the application form required if a Federal contract is involved (FCC Form 440A) and supporting exhibits submitted by

the applicant. May also include experimental project reports submitted by the applicant as required by FCC Rules, Part 5. File also includes comments from other Commission bureaus nd interference potential of operation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Communications Act of 1934, as amended, Section 308. FCC Rules and Regulations, Part 5, Experimental Radio Services (other than Broadcast).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To make a determination of applicant's eligibility to operate a station in the experimental radio service; to determine interference potential to other radio services, as well as determine if project of experimentation is valid; to Federal agencies, other FCC bureaus, or to the public if it feels it may be impacted or wants to know what new experimentation is being conducted. FCC bureaus use the information to determine the interference potential as well as possible use in rulemakings. The information is available to anyone, unless the applicant has requested confidentiality under § 0.459 of the Commission's Rules or the information is classified.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Files are retrieved by licensee name. If more than one station per licensee, then also filed by call sign.

SAFEGUARDS:

All files are available to the public except classified files and files that have been granted confidentiality under § 0.457 of the Commission's Rules. Classified files are kept in locked cabinets in accordiance with security regulations. Files that have been granted confidentiality under § 0.457 are marked "NOT FOR PUBLIC INSPECTION" and may only be accessed by Branch personnel and Commission employees who have a need to know the information.

RETENTION AND DISPOSAL:

Records are transferred to the Federal Records Center when 15 years old, or upon expiration date, cancellation or non-renewal; destroyed 7 years after transfer.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Frequency Liaison Branch, Room 7212, 2025 M Street, N.W., Washington, D.C. 20554.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

The majority of information comes from the individual. Other information comes from coordination with other FCC bureaus and from that which is generated within the Branch during the normal processing of the application.

FCC/OMD–1

SYSTEM NAME:

Docket History Cards

SYSTEM LOCATION:

1919 M Street, N.W., Washington, D.C. 20554

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Licensees whose applications have been designated for hearing and Petitioners who request an amendment of Commission's Rules.

CATEGORIES OF RECORDS IN THE SYSTEM:

Docket history cards and cross-reference cards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 0.11(g) of the Commission's Rules.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Commission employees and general public use records to locate pleadings that have been filed, pertinent dates, and Commission actions that are filed in the public reference room.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

5 inches by 8 inches history card file cabinets by docket number, 3 inches by 5 inches alphabetically in electrical rotary file.

RETRIEVABILITY:

History cards are maintained by numerical docket numbers; and cross-reference cards are maintained alphabetically. Cross-reference cards contain the name of an individual and the docket number thus permitting access to the docket history card.

SAFEGUARDS:

Public access is controlled by Commission employees who provide necessary reference services.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Managing Director, Office of Managing Director, 1919 M Street, N.W., Washington, D.C. 20554.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Information is secured from pleadings and actions taken by Commission officials.

FCC/OMD–2

SYSTEM LOCATION:

1919 M Street, N.W., Washington, D.C. 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FCC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence of an employee relations nature including debt complaints and supervisory generated warnings or other forms of admonishment regarding disciplinary matters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 4(i) of the Communications Act of 1934, as amended (47 U.S.C. 154(i)).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by the Employee Relations Officer for reference and the development of an effective employee relations program.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

In file folders.

RETRIEVABILITY:

Records are filed alphabetically and retrieved by name of employee.

SAFEGUARDS:

Records are maintained in a file located in the office of the Employee Relations Officer, Personnel Division. The office is locked at the end of each business day.

RETENTION AND DISPOSAL:

Records are retained for a maximum of 2 years and then destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Managing Director, Office of Managing Director, 1919 M Street, N.W., Washington, D.C. 20554.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Supervisors, employees, private citizens.

FCC/OMD-3

SYSTEM NAME:

National Industry Advisory Committee (NIAC) Membership.

SYSTEM LOCATION:

1229 20th Street, NW., Washington, D.C. 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the National Industry Advisory Committee and its Subcommittees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information showing individual name, business address, business and home telephone numbers, title and occupation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 92-463, October 6, 1972, Federal Advisory Committee Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to distribute information to members of the committee, convene meetings, and conduct general committee business.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Records are filed and retrieved by name of committee members.

SAFEGUARDS:

Records are maintained on a division level in file cabinets in offices which are locked at the end of each business day.

RETENTION AND DISPOSAL:

Records are retained indefinitely while individual is a member of the committee; when member resigns or retires from business, individual file material is destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Managing Director, Office of Managing Director, 1919 M Street, NW., Washington, D.C. 20554.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Committee member.

FCC/OMD-4

SYSTEM NAME:

Security Office Control Files.

SYSTEM LOCATION:

1919 M St., NW., Washington, D.C. 20554.

CATEGORIES OF INDIVIDUAL COVERED BY THIS SYSTEM:

Current and former employees of the FCC.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system consists of cards, filed alphabetically, containing date of birth, place of birth, Social Security Number, classification as to position sensitivity, types and dates of investigations, investigative reports, dates and levels of clearances.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10405 and Executive Order 12065.

PURPOSE(S):

These records are used exclusively by FCC Security Officers and the employees of the Security Office for administrative reference in connection with controlling position sensitivity and personnel clearances.

ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES FOR SUCH USES:

(1) To disclose information to an agency in the executive, legislative, or judicial branch, or the District of Columbia Government, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

(2) To provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

(3) To disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

(4) To disclose information to the security office of an agency in the executive, legislative, or judicial branch, or the District of Columbia Government, in response to its request for vertification of security clearance, to FCC employees to have access to classified data or areas where their official duties require such access.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on cards.

RETRIEVABILITY:

Records are retreived by the name and date of birth of the individuals on whom they are maintained.

SAFEGUARDS:

The cards are stored within a secured area. The cards do not leave the security office.

RETENTION AND DISPOSAL:

Cards are retained for twenty years after the individual leaves the agency and then are disposed of by burning.

SYSTEM MANAGER(S) AND ADDRESS:

Managing Director, Office of Managing Director, 1919 M Street, N.W., Washington, D.C. 20554.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains information about them should contact the appropriate system manager indicated above. Individuals must furnish the following information for

their records to be located and identified:

a. Full name.

b. Date of birth.

RECORD ACCESS PROCEDURES:

Individuals wishing to request access to records about them should contact the appropriate system manager indicated above. Individuals must furnish the following information for their record to be located and identified:

a. Full name.

b. Date of birth.

An individual requesting access must also follow Privacy Act regulations regarding verification of identity and access to records (5 CFR 297.201 and 297.203).

CONTESTING RECORD PROCEDURES:

Individuals wishing to request amendment of their records should contact the appropriate system manager indicated above. Individuals must furnish the following information for their record to be located and identified:

a. Full name.

b. Date of birth.

An individual requesting amendment must also follow the Privacy Act regulations regarding verification of identity and amendment of records (5 CFR 297.201 and 297.208).

RECORD SOURCE CATEGORIES:

a. The individual to whom the information applies.

b. Investigative files maintained by the Division of Personnel Investigations.

c. Employment information maintained by the Director of Personnel.

FCC/OMD-5

SYSTEM NAME:

State and Operational Areas Emergency Communications Committees.

SYSTEM LOCATION:

1229 20th Street, N.W., Washington, D.C. 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Chairmen and Vice Chairmen of State and Operational Area Emergency Communications Committees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information showing individual name, business address, business telephone number and title.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 92-463, Federal Advisory Committee Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to forward appropriate information to State Committee members, each broadcast station in the State and to Federal, State and local government officials for Emergency Communications planning.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Records are filed by state and by name of committee member within the state.

SAFEGUARDS:

Records are maintained on a division level in file cabinets which are locked at the end of each business day.

RETENTION AND DISPOSAL:

Records are retained idefinitely while the individual is a member of the committee; when member resigns, individual file material is destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Managing Director, Office of Managing Director, 1919 M Street, N.W., Washington, D.C. 20554.

NOTIFICATION PROCEDURES:

Same as above. Name of state must be provided with any request for information.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Committee member.

FCC/OMD-6

SYSTEM NAME:

Records of money received, refunded, and returned and personal checks destroyed.

SYSTEM LOCATION:

1919 M Street, N.W., Washington, D.C. 20554, Route 116, Gettysburg, PA. 17325 and Room 207, Post Office Building, Gettysburg, Pa. 17325.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals and companies making payments to cover goods acquired, forfeitures assessed, and services rendered; refunds for incorrect payments or overpayments; billing and collection of bad checks; and miscellaneous monies received by the Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names of individuals or companies; addresses of individuals or companies; goods acquired or services rendered; forfeitures assessed and collected; amounts; dates; check numbers; locations; bank deposit information; transaction type information; United States Treasury deposit numbers; ship name and call sign; and information substantiating a refund issued to applicant.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Budget and Accounting Act of 1921; Budget and Accounting Procedures Act of 1950; and 31 U.S.C. 525.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Accounting for all monies received by the Commission from the Public, refunded to the public, returned to the public, and release of the information to Federal, State, or local Government agencies performing a tax, investigative, or regulatory function.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper copy, computer copy, microfilm, microfiche, magnetic disc, and magnetic tape.

RETRIEVABILITY:

By name and/or type of transaction; call sign; processing number, employer identification number, soundex number, or sequential number.

SAFEGUARDS:

Records are located in lockable metal file cabinets, metal vaults, and in metal file cabinets in secured rooms or secured premises, with access limited to those individuals whose official duties require access.

RETENTION AND DISPOSAL:

Retained for one year following the end of the fiscal year; then transferred to the Federal Records Center and destroyed when 6 years and 3 months old.

SYSTEM MANAGER(S) AND ADDRESS:

Managing Director, Office of Managing Director, 1919 M Street, N.W., Washington, D.C. 20554.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Subject individual and/or company; Federal Reserve Bank; Agent of Subject or company; or Attorney-At-Law.

FCC/OGC-1

SYSTEM NAME:

Alleged Violators File (Ex Parte Rules).

SYSTEM LOCATION:

1919 M Street, N.W., Washington, D.C. 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals alleged to have violated the Commission's ex parte rules.

CATEGORIES OF RECORDS IN THE SYSTEM:

Complaint letters, memoranda, briefs, Commission decisions recommending action, and news releases.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 4(i) of the Communications Act of 1934, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Record information is used by staff attorney to make a determination whether, in fact, a violation of the ex parte rules has occured. The records may be referred to the appropriate agency charged with the responsibility of prosecuting such violation or enforcing the applicable statute or rule.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Records are maintained by the name of the party accused of an ex parte violation.

SAFEGUARDS:

Records are maintained in unlocked file cabinets in an office that is secured at the end of each business day. Since only one or two office persons have need to routinely access this system, unauthorized examinations would be easily detected.

RETENTION AND DISPOSAL:

Destroy when 3 years old.

SYSTEM MANAGER(S) AND ADDRESS:

Office of General Counsel, 1919 M Street, N.W., Washington, D.C. 20554.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Complaints, Security Officer, Bureau Chiefs.

FCC/OGC-2

SYSTEM NAME:

Attorney Misconduct Files

SYSTEM LOCATION:

1919 M Street, N.W., Washington, D.C. 20554

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any attorney who appears in a representative capacity before the FCC and who is being charged with attorney misconduct.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence, briefs, related Commission agenda items, ABA recommendations, investigative findings, complaints of attorney misconduct, memoranda.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. Section 500(d)(2).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Record information is used by staff attorneys to prosecute a case for attorney misconduct before the administrative law judge and the Commission. Record information may be referred, as a routine use, to the appropriate agency charged with the responsibility of enforcing any Commission penalties imposed.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Records are retrieved by the name of the attorney charged with misconduct.

SAFEGUARDS:

Records are kept in file cabinets in offices that are secured at the end of each business day. Since only one or two staff persons routinely access this record system, unauthorized examination during business hours would be easily detected.

RETENTION AND DISPOSAL:

Destroy 5 years after case closure.

SYSTEM MANAGER(S) AND ADDRESS:

Office of General Counsel, 1919 M Street, N.W., Washington, D.C. 20554.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Letters from public, pleadings, agenda items, intra-agency memoranda.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system of records is exempt from Subsections (c)(3), (d), (e)(1), (e)(4) (G), (H), and (1) and (f) of the Privacy Act of 1975, 5 U.S.C. 552a, and from Sections 0.554–0.557 of the Commission's Rules because it is maintained for law enforcement purposes pursuant to subsection (k)(2) of the Act.

FCC/OGC-3

SYSTEM NAME:

Employee Complaint Adjudication

SYSTEM LOCATION:

1919 M Street, N.W., Washington, D.C. 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any Commission employee who is the subject of a complaint investigation involving internal personnel actions or activities, i.e., discrimination, grievance, political activity, separation or adverse action.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in this system involve internal personnel disputes that have reached the hearing stage, and may include correspondence, memoranda, transcripts of hearings, brief, investigative reports, decisions of hearing examiners and Commissioners.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S. Code Section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used by staff attorneys in the General Counsel's office in pre-hearing settlement negotiations with opposing parties; records are also used in preparation for the actual hearing.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Records are retrieved by the name of the subject individual in the investigation.

SAFEGUARDS:

Records are maintained in unlocked file cabinets in an office that is secured at the end of each business day.

RETENTION AND DISPOSAL:

Destroy 5 years after case closure.

SYSTEM MANAGER(S) AND ADDRESS:

Office of General Counsel, Room 614, 1919 M Street, N.W., Washington, D.C. 20554.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Co-workers, other supervisors, classification experts, other persons involved in the case.

FCC/OGC-4

SYSTEM NAME:

Parties Involved in Current Litigation Before Federal Courts

SYSTEM LOCATION:

1919 M Street, N.W., Washington, D.C. 20554

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any person who is a captioned party of record in an appeal from or petition for review of a Commission action, or other court filing.

CATEGORIES OF RECORDS IN THE SYSTEM:

Litigation Division docket files (duplicate files of those filed with the Court and other parties).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 402 of the Communications Act of 1934, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Case preparation and reference.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Indexed by case name.

SAFEGUARDS:

Records are filed in the Litigation office and secured after working hours.

RETENTION AND DISPOSAL:

After cases have been decided or dismissed and reach the inactive mode, the precedent-setting or important cases are reviewed to delete duplicative or unnecessary material and then are forwarded to the Library for binding. The cases remain in the Library for reference and research purposes. The remainder of the case records are destroyed when no longer needed or three years after closure, whichever occurs first.

SYSTEM MANAGER(S) AND ADDRESS:

Office of General Counsel, 1919 M Street, N.W., Washington, D.C. 20554.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

U.S. Circuit Court of Appeals and parties to proceedings.

FCC/OGC-5

SYSTEM NAME:

Parties with Pending Civil Cases Before Any District Court That Affect the Commission

SYSTEM LOCATION:

1919 M Street, N.W., Washington, D.C. 20554

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who has a miscellaneous case before any District Court that involves the Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

Letters, memoranda, briefs, bankruptcy papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 402 of the Communications Act of 1934, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Record information is used by commission attorneys to update information or furnish additional data for the Government agency handling the case.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Records are maintained by the individual's name filing the claim.

SAFEGUARDS:

Records are maintained in unlocked file cabinets in an office that is secured at the end of each business day.

RETENTION AND DISPOSAL:

The records are destroyed when no longer needed or after five years, whichever occurs first.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Office of the General Counsel, 1919 M Street, N.W., Washington, D.C. 20554.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Justice Department; U.S. Attorneys; other Federal agencies; U.S. District Courts; and parties to the proceedings.

FCC/OGC-6

SYSTEM NAME:

Private or Civil Injury Claimants

SYSTEM LOCATION:

1919 M Street, N.W., Washington, D.C. 20554

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who files a damage claim against the Commission or commits a tort against a Commission employee.

CATEGORIES OF RECORDS IN THE SYSTEM:

Accident reports, tort claim vouchers, correspondence, memoranda, medical and payment receipts, repair and payment receipts, pictures.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Tort Claims Act, 28 U.S.C. Section 2672.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Record information is used by attorneys in the Office of General Counsel to determine whether a damage claim filed against the Commission should be paid and for reference when assigned a similar case. If it is determined that the claim should not be paid or in cases when, pursuant to the limitations set out in 28 U.S.C. Section 2672, the Commission cannot make the final determination whether or not to pay a claim, the record is routinely transferred to the appropriate agency charged with the responsibility of disposition.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Records are retrieved by the name of the individual who filed the claim.

SAFEGUARDS:

Records are kept in an unlocked file cabinet in an office that is locked at the end of each business day. Since only one or two office persons routinely access this system, unauthorized examination during business hours would be easily detected.

RETENTION AND DISPOSAL:

Destroy 5 years after case closure.

SYSTEM MANAGER(S) AND ADDRESS:

Office of General Counel, 1919 M Street, N.W., Washington, D.C. 20554.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Witnesses; General Counsel; Office of Managing Director; claimants; and employees.

FCC/CTB-1

SYSTEM NAME:

Cable Operator Ownership File

SYSTEM LOCATION:

1919 M Street, N.W., Washington, D.C. 20554

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

For each corporate operator of a cable television system or each corporation owning 25 percent or more of the stock of such a corporate operation, (A) Officers, (B) Directors, (C) Stockholders, owning 3 percent or more of the stock.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Owner Record consisting of information furnished on FCC Annual Report of Cable Television Systems, Form 325, Schedule 3, blocks 1 through 6.

(2) Controlling Person Record consisting of information furnished on FCC Annual Report of Cable Television Systems, Form 325, Schedule 3, block 7, and Schedule 4.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

47 U.S.C., Sections 151–155, 301, 302(a), 303, 307, 308, and 403.

ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Commission staff will utilize records to monitor communications media ownership configurations and monopolies which are not in the public interest. Records are routinely reviewed during processing of authorizations to ascertain that the record is current and that the applicant for the authorization is entitled under the Commission's Rules to its grant.

(2) Members of the public, pursuant to Commission rule, are allowed access to data system file listings or the source forms, if necessary.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Permanent magnetic tape file, temporary magnetic disc file, and temporary physical file for FCC 325 source forms.

RETRIEVABILITY:

Data system records are retrievable by any specified characteristic of any data field or character. FCC 325 source forms are retrievable alphabetically by owner or controlling person name.

SAFEGUARDS:

Files are available for public inspection.

RETENTION AND DISPOSAL:

Magnetic tape files are kept permanently. FCC 325 source forms are transferred to the Federal Records Center after 3 years and destroyed 10 years later.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Cable Television Bureau, 2025 M Street, N.W., Washington, D.C. 20554, (202) 632–7076

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Cable television operators who file FCC Form 325, individuals named in Schedules 3 and 4 of Form 325.

FCC/PRB-1

SYSTEM NAME:

Amateur and Citizen License Fees, Refunded or Uncollected.

SYSTEM LOCATION:

2025 M Street, N.W., Washington, D.C. 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicant who was issued a refund by the Gettysburg Field Office or Washington, D.C. Office. Applicant whose check was returned by bank for such things as: insufficient funds, account closed, payment stopped, etc.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information substantiating a refund issued to applicant, or information indicating remittance was returned by bank as unnegotiable.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 483(a).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used by administrative personnel as reference material.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Records are filed and retrieved by name of applicant involved in the transaction.

SAFEGUARDS:

Records are maintained on a division level in file cabinets in offices which are locked at the end of each business day.

RETENTION AND DISPOSAL:

Records are retained for one year and then forwarded to the Federal Records Center in accordance with the records control schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Private Radio Bureau, 2025 M Street, N.W., Washington, D.C. 20554.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

For refunds, information is initiated and supplied by applicant and by bureau employees. For uncollected fees, information is furnished by banks; Fee Unit, Financial Management Division, or Washington Processing Section of the Amateur and Citizens Division act as collectors.

FCC/PRB-2

SYSTEM NAME:

Application and License File.

SYSTEM LOCATION:

2025 M Street, N.W., Washington, D.C. 20554, and Route 116, Gettysbury, PA 17325.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Radio service applicants and licensees under Parts 81, 83, 87, 89, 91, 93, 95, 97 and 99 of the Commission's Rules.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications, licenses, and correspondence maintained by various radio categories: Aeronautical and Fixed Group, Aircraft Group, Alaskan Group, Amateur, Automobile Emergency, Aviation Auxiliary Group, Aviation Radio Navigation Land, Business, Citizens Class A, Citizens Class C and D, Civil Air Patrol, Coastal Group, Disaster, Fire, Forest Products, Forestry Conservation, General Mobile, Highway Maintenance, Industrial Radio Location, Interurban Passenger (Motor Carrier), Interurban Property (Motor Carrier), Local Government, Manufactuers, Marine Auxiliary Group, Marine Radar Land, Motion Picture, Operational Fixed Microwave, Personal Radio, Petroleum, Police, Power, Radio Amateur Civil Emergency Service (RACES), Railroad, Relay Press, Ship Group, Special Emergency, Special Industrial, State Guard, Taxicab, Telephone Maintenance, Urban Passenger (Motor Carrier), Urban Property (Motor Carrier).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 301, 303 of the Communications Act of 1934, and amendments.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used to administer the Commission's programs relating to radio categories listed above including licensing, enforcement, rulemaking, and other actions requiring record information; to evaluate unique systems; to provide a service of information for the general public. Selected informational elements are incorporated in the Commission's central computer facility to maintain a current inventory of licensees for those services which are computerized.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

In appropriate files in boxes or cabinets.

RETRIEVABILITY:

Records are filed alphabetically by name of applicant/licensee within each radio service.

SAFEGUARDS:

Records are maintained on division level in appropriate files in boxes or cabinets in offices which are locked at the end of each business day.

RETENTION AND DISPOSAL:

Records are normally retained as long as the station remains licensed, although some bulky files may be divided and older material sent to the Federal Records Center, and maintained a minimum of 2 years and a maximum of 11 years after expiration date.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Private Radio Bureau, 2025 M Street, N.W., Washington, D.C. 20554.

NOTIFICATION PROCEDURE:

Same as above, but in order to facilitate the location of a specific record, the name of the radio category under which the application was filed and the call sign of the license issued should be included with the request.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Original applications and supplemental material submitted by applicants; correspondence from complainants; inspection reports; application processors.

FCC/PRB-3

SYSTEM NAME:

Current Projects File (Applications that may not comply with rules; Licensees whose systems may not comply with rules.

SYSTEM LOCATION:

2025 M Street, N.W., Washington, D.C. 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants and licensees under Parts 89, 91, and 93 of the Rules whose communication systems may not be in compliance with FCC Rules; and applicants for rule waivers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Pleadings, letters of complaint, correspondence, technical information, annual reports, and supporting documentation relating to the communication system and its operation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 308(b) of the Communications Act of 1934, and amendments.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used by Commission employees to resolve whether the system is in compliance with FCC Rules.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Records are filed and retrieved by name of applicant or licensee involved.

SAFEGUARDS:

Records are maintained on a division level in file cabinets in offices which are locked at the end of each business day.

RETENTION AND DISPOSAL:

Records are retained for two years after decision is reached, then destroyed by tearing into pieces.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Private Radio Bureau, 2025 M Street, N.W., Washington, D.C. 20554.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Letters of petition or complaint initiate action. Letters of complaint are referred to licensees to advise them and to obtain additional information in response to the complaint.

FCC/PRB–4

SYSTEM NAME:

Licensess or Unlicensed Persons Operating Radio Equipment Improperly.

SYSTEM LOCATION:

2025 M Street, N.W., Washington, D.C. 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Licensees operating under Parts 81, 83, 87, 89, 90, 91, 93, 95, and 97 of the Rules in violation of the Commission's Rules or the Communications Act of 1934. Unlicensed persons operating radio equipment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Enforcement case history cards; investigatory and hearing files with inspection reports, complaints, correspondence, pleadings, legal memoranda, investigative findings, forfeiture notices.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 47 U.S.C. 301, 303, 309(e), 312, 362, 364, 386, 507, and 510.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by bureau employees in enforcement and hearing cases to document, to evaluate, and to impose sanctions for violations of the Rules or Act.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

In file folders, card files.

RETRIEVABILITY:

Records are filed and retrieved by name of licensee or unlicensed individual.

SAFEGUARDS:

Records are maintained on a division level in appropriate file cabinets in offices which are locked at the end of each business day.

RETENTION AND DISPOSAL:

The documentation portions of these records are retained in active files for no more than 2 years, and are maintained in the Federal Records Center for five years, after which they are destroyed. The case history card portion of these records is retained for 25 years and then destroyed when no longer useful.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Private Radio Bureau, 2025 M Street, N.W., Washington, D.C. 20554.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Information originates from various sources: FCC Field Engineers; private citizens; Department of Justice; other Commission personnel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system of records are exempt from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) of the Privacy Act of 1974, 5 U.S.C. 552(a), and from §§ 0.554–0.557 of the Commission's Rules because such parts contain investigatory material compiled solely for law enforcement purposes pursuant to Section 552(k)(2) of the Act.

FCC/PRB–5

SYSTEM NAME:

Application Review List for Present or Former Licensees, Operators or Unlicensed Persons Operating Radio Equipment Improperly.

SYSTEM LOCATION:

2025 M Street, N.W., Washington, D.C. 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are or have been licensed under Parts 13, 81, 83, 87, 95 or 97 of the Rules who have operated in violation of the Commission's Rules or the Communications Act. Unlicensed persons who have operated radio transmitting equipment. Persons who have had a license revoked or have had an application dismissed or denied, and are prohibited from filing another application within one year.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, date of birth (if known) of individual, authorization code of staff member who placed name in the file, and the date the name was placed in the file.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 47 U.S.C. 301, 303, 309(e), 312.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Needed by selected staff and field employees to determine whether the applications of these individuals should be granted, dismissed or set for hearing.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

On magnetic tape and computer printout.

RETRIEVABILITY:

Information is filed alphabetically by name of individual in a computer and is retrieved periodically through computer printout.

SAFEGUARDS:

Access to computer is controlled by password in a secured office and the printouts are available only to selected staff personnel.

RETENTION AND DISPOSAL:

The printouts are destroyed by machine shredding or by tearing into pieces when a new list is distributed. The computer tapes are retained for four back-up cycles and on the fifth update, the oldest tape is destroyed. Individual names are removed from the file when retention is no longer appropriate; entire list of names is reviewed quarterly.

SYSTEM MANAGER AND ADDRESS:

Chief, Private Radio Bureau, 2025 M Street, N.W., Washington, D.C. 20554.

NOTIFICATION PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Information is obtained from applicants and from FCC Field Engineers.

FCC/Central 1

SYSTEM NAME:

Pay, Leave, and Travel Records

SYSTEM LOCATION:

Financial Management Division and administrative offices of the Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554, and FCC regional and field offices. (See list of FCC regional office addresses in the Appendix).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Commission employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains various records required to administer the pay, leave, and travel requirements of the Commission.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101, 3102, 3309.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are used:

To authorize payroll deductions for allotments, savings bonds, charitable contributions, union dues, health benefits and life insurance; collect indebtedness for overpayment of salary and unpaid Internal Revenue taxes; pay income tax obligation to Internal Revenue Service; authorize issuing of salary checks by Treasury Department; obtain reimbursement of travel expenses for official business report gross wages and separation information for unemployment compensation; pay any uncollected compensation due a deceased employee; and provide for a summary of employees payroll data and retirement contributions.

B. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in manual files in folders, cards, magnetic tapes, and loose leaf binders.

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Records are maintained in filing cabinets in an office that is locked when not occupied by staff. Records are available only to authorized personnel whose duties require access.

RETENTION AND DISPOSAL:

Records are maintained for varying periods of time from one year to permanently. Disposal is by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Managing Director, Office of the Managing Director, 1919 M St. NW., Washington, D.C. 20554 or the appropriate administrative office in which the individual is employed.

NOTIFICATION PROCEDURE:

Same as above. It is necessary to furnish the following information in order to identify the individual whose records are requested:

A. Full name.

B. Date of birth.

C. Social Security Number.

D. Mailing address to which the reply should be mailed.

RECORD ACCESS PROCEDURES:

Same as above. Requesters should reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Information is provided by management officials and by the individual on whom the record is maintained.

FCC/Central 2

SYSTEM NAME:

Employee Locator Card Files

SYSTEM LOCATION:

Personnel and administrative offices of the Federal Communications Commission, 1919 M Street, NW., Washington, D.C. 20554, and FCC regional and field offices. (See list of FCC regional office addresses in the Appendix).

CATEGORIES OF INDIVIDUALS COVERED BY THIS SYSTEM:

Current employees of the Federal Communications Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains information regarding the organizational location and telephone extension of individual office employees. The system also contains the home address and telephone number of the employee and the name, address, and telephone number of an individual to contact in the event of a medical or other emergency involving the employee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The record serves to identify an individual for office officials to contact, should an emergency of a medical or other nature involving the employee occur while the employee is on the job. These records may be used to locate individuals for personnel research.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

3" x 5" paper.

RETRIEVABILITY:

Records are retrieved by the name of the individual on whom they are maintained.

SAFEGUARDS:

Records are maintained in secured areas and are available only to authorized personnel whose duties require access.

RETENTION AND DISPOSAL

Records are maintained as long as the individual is an employee of the Commission. Expired records are destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Appropriate Personnel or administrative office in which the employee is employed.

NOTIFICATION PROCEDURE:

Office employees wishing to inquire whether this system contains information about them should contact the appropriate FCC administrative officer where employed. Individuals must supply the following information for their records to be located and identified: full name.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individual on whom record is maintained.

FCC/Central 3

SYSTEM NAME:

Grievance Records

SYSTEM LOCATION:

1919 M Street, NW., Washington, D.C. 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THIS SYSTEM:

Current or former Commission employees who have submitted grievances.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains records relating to grievances filed by Commission employees. These case files contain all documents related to the grievance, including statements of witnesses, reports of interviews and hearings, examiner's findings and recommendations, a copy of the original and final decision, and related correspondence and exhibits. This system includes files and records of internal grievance and arbitration systems established through negotiations with recognized labor organizations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302, 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp. p218.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. To disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or ciminal law or regulation.

b. To disclose information to any source from which additional information is requested in the course of processing a grievance, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request and identify the type of information requested.

c. To disclose information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to requesting the agency's decision on the matter.

d. To disclose information to officials of the Merit Systems Protection Board, including the Office of the Special Counsel, the Federal Labor Relations Authority and its General Counsel, or the Equal Employment Opportunity Commission when requested in performance of their authorized duties.

e. To disclose in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

f. To provide information to officials of labor organizations reorganized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders.

RETRIEVABILITY:

These records are retrieved by the names of the individuals on whom they are maintained.

SAFEGUARDS:

These records are maintained in lockable metal filing cabinets to which only authorized personnel have access.

RETENTION AND DISPOSAL:

These records are disposed of 3 years after closing of the case. Disposal is by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Management Division, Office of Managing Director, 1919 M Street, N.W., Washington, D.C. 20554.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Information in this system of records is provided:

a. By the individual on whom the record is maintained.

b. By testimony of witnesses.

c. By Commission officials.

d. From related correspondence from organizations or persons.

FCC/Central 4

SYSTEM NAME:

Employee Activity Reporting System.

SYSTEM LOCATION:

1919 M Street, N.W.; 2025 M Street, N.W., and 1229 20th Street, N.W., Washington, D.C. 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current FCC employees whose bureau or office is a participant in the system.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual activity reporting forms containing a person's name, social security number, organization code, activity code and number of hours spent working on the reported activity during a semimonthly reporting period. Monthly reporting forms listing total Bureau/Office output of selected production measures.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 4 and 5 of the Communications Act of 1934, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Bureau and Office management personnel use data to measure time expended on various programs, services or activities and productivity at Divisional or Bureau level. Financial Management Division used data to develop future budget estimates.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

5 inches by 8 inches and 8 inches by 10 inches original forms are stored in file cabinets by reporting period and organizational unit. Data is also contained on magnetic tapes stored in computer room, also denoted by reporting period.

RETRIEVABILITY:

Forms and tapes are maintained by semimonthly or monthly reporting period to facilitate aggregation for monthly report. Error listings from the computer are indexed by social security number to facilitate correction on an individual basis. Data is not retrieved for an individual, only for various organizational levels and program, service or activity codes. Forms will be filed in each participating bureau to facilitate location for correction purposes only.

SAFEGUARDS:

Records are maintained in file cabinets in an office that is locked at the end of each business day. Access to tapes is controlled by computer room personnel.

RETENTION AND DISPOSAL:

Original forms are retained for three months and then destroyed by tearing into pieces. The only purpose in maintaining the original input document for three months before destruction is to facilitate correction of error listings. Tapes are retained for up to two years.

SYSTEM MANAGER(S) AND ADDRESS:

Appropriate bureau or office chief in the Commission located at 1919 M Street, N.W., 2025 M Street, N.W., or 1229 20th Street, N.W., Washington, D.C. 20554.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Individual Activity Reports of employees participating the system. Monthly output measures reports from Bureau/Office management personnel.

FCC/Central 5

SYSTEM NAME:

Alcoholism and Drug Abuse Case Files.

SYSTEM LOCATION:

1919 M Street, N.W., Washington, D.C. 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FCC employees who seek guidance and counseling through the agency Alcoholism and Drug Abuse Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal history as it relates to the employee's problem. Records on employees referred for counseling.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

FPM 792.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Reference material for the use of the Program Administrator and Counselors.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in locked metal cabinets in the Program Administrator's Office.

RETRIEVABILITY:

Records are filed and retrieved by name of employee.

SAFEGUARDS:

Records are maintained in an office that is locked when not occupied by the Program Administrator. They are maintained in strict confidence and are accorded the same security and accessibility restrictions provided for medical records.

RETENTION AND DISPOSAL:

Records are kept indefinitely or until the employee leaves the FCC, at which time they are destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Managing Director, Office of Managing Director, 1919 M Street, N.W., Washington, D.C. 20554.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Employee, employee's supervisor, and counselors.

FCC/Central-6

SYSTEM NAME:

Personnel Investigations Records.

SECURITY CLASSIFICATION:

None for the system; however, items or records within the system may have national defense/foreign policy classifications up through secret.

SYSTEM LOCATION:

1919 M Street, N.W., Washington, D.C. 20554.

CATEGORIES OF RECORDS IN THE SYSTEM:

a. Current and former employees or applicants for employment in the Federal service.

b. Individuals considered for access to classified information or restricted areas and/or security determinations as contractors, experts, instructors, and consultants to Federal programs.

c. Individuals who are neither applicants nor employees of the Federal Government, but who are or were involved in Federal programs under a co-operative agreement.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain investigative information regarding an individual's character, conduct, and behavior in the community where he or she lives or lived; arrests and convictions for violations against the law; reports of interviews with present and former supervisors, coworkers, associates, educators, etc.; reports about the qualifications of an individual for a specific position; reports of inquiries with law enforcement agencies, employers, educational institutions attended; reports of action after OPM or FBI Section 8(d) Full Field Investigation; Notices of Security Investigation; and other information developed from the above. Certificates of Clearance. Also contained is investigative information concerning allegations of misconduct by an FCC employee, miscellaneous complaints not covered by the FCC's formal or informal grievance procedure, and inquiries conducted under the President's Program to eliminate waste and fraud in Government.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 2, Civil Service Act of 1883, original authority; Title 5, CFR Part 5; Sections 1303, 1304, and 3301, Title 5, U.S.C.; Sections 7, 8(b), 8(c), 9(a), 9(c), and 14 of E.O. 10450; E.O. 11222; Section 19.735–107, FCC Rules and Regulations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES FOR SUCH USES:

To provide investigatory information for determinations concerning compliance with Federal regulations and for individual personnel determinations including suitability and fitness for Federal employment, access and security clearances, evaluations of qualification, loyalty to the U.S., and evaluations of qualifications and suitability for performance of contractual services for the U.S. Government; to document such determinations; to take action on or respond to a complaint or inquiry concerning an FCC employee or to counsel the employee; to otherwise comply with mandates and Executive orders.

a. To designated officers and employees of agenices, offices, and other establishments in the executive, legislative, and judicial branches of the Federal Government, and the District of Columbia Government, when such agency, office, or establishment conducts an investigation of the

individual for the purpose of granting a security clearance, or for the purpose of making a determination of qualifications, suitability, or loyalty to the United States Government, or access to classified information or restricted areas.

b. To the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order where the FCC becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

c. To provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

d. To the intelligence agencies of the Department of Defense, the National Security Agency, the Central Intelligence Agency, and the Federal Bureau of Investigation for use in intelligence activities.

e. To another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

f. To the National Archives and Records Service (General Services Administration) for records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

g. To respond to a request for discovery or for appearance of a witness, when relevant to the subject matter involved in a pending judicial or administrative proceeding.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are retrieved by the name of the individual on whom they are maintained.

SAFEGUARDS:

Records are maintained within a secure, access-controlled area, and stored in approved security containers. Access is limited to cleared Security Office Personnel and to Commission officials on a "need to know" basis when required to take decisional action on the records.

RETENTION AND DISPOSAL:

Records are retained during employment; records are returned to investigating agencies after employment terminates, those originated by the FCC are retained for 20 years from the date of the most recent investigative activity. Records are destroyed by burning.

SYSTEM MANAGER(S) AND ADDRESS:

Managing Director, Office of Managing Director, 1919 M Street, N.W., Washington, D.C. 20554.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system contains information about them should contact the system manager indicated above, in writing. Individuals must furnish the following information for their records to be located and identified:

a. Full name.
b. Date of birth.
c. Social security number.
d. Signature.
e. Any available information regarding the type of record involved.
f. The category of covered individuals under which the requester believes he or she fits.

RECORD ACCESS PROCEDURES:

Specific materials in this system have been exempted from Privacy Act provisions at 5 U.S.C. 552a (c)(3) and (d), regarding access to records. The section of this notice titled "Systems exempted from certain provisions of the Act," which appears below, indicates the kinds of material exempted and the reasons for exempting them from access. Individuals wishing to request access to their records should contact the system manager indicated above, in writing. Individuals must furnish the following information for their records to be located and identified.

a. Full name.
b. Date of birth.
c. Social security number.
d. Signature.
e. Any available information regarding the type of records involved.
f. The category of covered individuals under which the requester believes he or she fits.

Individuals requesting access must also comply with Privacy Act regulations regarding verification of identity and access to records (5 CFR 297.201 and 297.203).

CONTESTING RECORD PROCEDURES:

Specific materials in this system have been exempted from Privacy Act provisions at 5 U.S.C. 552a(d), regarding amendment to records. The section of this notice titled "Systems exempted from certain provisions of the Act," which appears below, indicates the kinds of material exempted and the reasons for exempting them from amendment. Individuals wishing to request amendment to their non-exempted records should contact the system manager indicated above, in writing. Requests should be directed only to the system manager, whether the record sought is in the primary system or in a decentralized segment. Individuals must furnish the following information for their records to be located and identified:

a. Full name.
b. Date of birth.
c. Social security number.
d. Signature.
e. Any available information regarding the type of record involved.
f. The category of covered individuals under which the requester believes he or she fits.

Individuals requesting amendment must also comply with the Privacy Act regulations regarding verification of identity and amendment of records (5 CFR 297.201 and 297.208).

RECORD SOURCE CATEGORIES:

a. Applications and other personnel and security forms furnished by the individual.

b. Investigative and other record material furnished by Federal agencies.

c. Notices of personnel actions furnished by Federal agencies.

d. By personnel investigation or written inquiry from sources such as employers, educational institutions, references, neighbors, associates, police departments, courts, credit bureaus, medical records, probation officials, prison officials, newspapers, magazines, periodicals, and other publications.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system may contain the following types of information:

a. Properly classified information, obtained from another Federal agency during the course of a personnel investigation, which pertains to national defense and foreign policy. The Privacy Act, at 5 U.S.C. 552a(k)(1), permits an agency to exempt such materials from certain provisions of the Act.

b. Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment. The Privacy Act, at 5 U.S.C. 552a(k)(5), permits an agency to exempt such material from certain provisions of the Act. Materials may be exempted to the extent that release of the material to the individual whom the information is about would:

1. Reveal the identity of a source who furnished information to the Government under an express promise (granted on or after September 27, 1975) that the identity of the source would be held in confidence; or,

2. Reveal the identity of a source who, prior to September 27, 1975, furnished information to the Government under an implied promise that the identity of the source would be held in confidence.

The Federal Communications Commission has claimed these exemptions from the requirements of 5 U.S.C. 552a (c)(3) and (d). These requirements relate to providing an accounting of disclosures to the individual whom the records are about and access to and amendment of records.

FCC/Central 7

SYSTEM NAME:

Freedom of Information Act Case Files

SYSTEM LOCATION:

1919 M Street, N.W.; 2025 M Street, N.W., Washington, D.C. 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals or organizations requesting access to inspect and/or copy records of the Commission under provisions of the Freedom of Information Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, and other individually identifying information about the requestor and the records sought.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Freedom of Information Act, Pub. L. 93–402 (5 U.S.C. 552).

ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In the event the Commission deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

Where the appropriate official of the Commission, pursuant to the Commission's Freedom of Information Regulation determines that it is in the public interest to disclose a record which is otherwise exempt from mandatory disclosure, disclosure may be made from this system of records.

The Commission contracts with a private firm for the purpose of searching, duplicating, and distributing to the public the documents maintained by the Commission and available for inspection under the Act. The contractor is required to maintain Privacy Act safeguards with respect to such records.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where the defendant is (a) the Commission, or any employee of the Commission in his or her official capacity; (b) the United States where the Commission determines that the claim, if successful, is likely to directly affect the operations of the Commission; or (c) any Commission employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Commission may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Original or copy of incoming request and written response maintained in case files.

RETRIEVABILITY:

For the most part, records are indexed by name of individual requestor. Records are available to FOI staff involved in correspondence and investigative processes, including appeals officials and members of the Office of General Counsel.

SAFEGUARDS:

Records are maintained in file cabinets in the offices of the Freedom of Information Liaisons throughout the Commission with limited access.

RETENTION AND DISPOSAL:

Individual case files are maintained for two years and then disposed of.

SYSTEM MANAGER(S) AND ADDRESS:

Appropriate bureau or office chief in the Commission located at 1919 M Street, N.W., or 2025 M Street, N.W., Washington, D.C. 20554.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individuals and organizations making requests under the Freedom of Information Act or from bureaus or offices of the Commission reporting on the handling of such requests for inclusion in the annual report to Congress.

Appendix A

Federal Communications Commission, Field Operations Bureau, Address List of District Offices as of October 6, 1981

1. ANCHORAGE, Alaska, 1011 E. Tudor Road, Room 240, 99510. Phone (907) 276–7455.
2. ATLANTA, Georgia, 1365 Peachtree Street, N.E., 30309. Phone (404) 881–3084.
3. BALTIMORE, Maryland, 1017 Federal Building, 31 Hopkins Plaza, 21201. Phone (301) 962–2728.
4. BOSTON, Massachusetts, 165 State Street, 02109. Phone (617) 223–6609.
5. BUFFALO, New York, 111 West Huron Street, 14202. Phone (716) 846–4511.
6. CHICAGO, Illinois, 230 South Dearborn Street, Room 3940, 60604. Phone (312) 353–0195.
7. DALLAS, Texas, 1100 Commerce Street, 75242. Phone (214) 767–0761.
8. DENVER, Colorado, 12477 West Cedar Drive, 80228. Phone (303) 234–6977.
9. DETROIT, Michigan, 231 West Lafayette Street, 48226. Phone (313) 226–6078.
10. HONOLULU, Hawaii, 300 Ala Moana Boulevard, Room 7304, 96850. Phone (808) 546–5640.
11. HOUSTON, Texas, 515 Rusk Avenue, Room 5636, 77002. Phone (713) 226–5624.
12. KANSAS CITY, Missouri, 8800 East 63rd Street, 64133. Phone (816) 926–5111.
13. LONG BEACH, California, 3711 Long Beach Boulevard, Room 501, 90807. Phone (213) 426–4451.
14. MIAMI, Florida, 51 S.W. First Avenue, Room 919, 33130. Phone (305) 350–5542.
15. NEW ORLEANS, Louisiana, 600 South Street, 70130. Phone (504) 589–2095.
16. NEW YORK, New York, 201 Varick Street, 10014. Phone (212) 620–3437.
17. NORFOLK, Virginia, 870 North Military Highway, 23502. Phone (804) 441–6472.
18. PHILADELPHIA (Langhorne, Pennsylvania), 2300 East Lincoln Highway, 19047. Phone (215) 752–1324.
19. PORTLAND, Oregon, 1220 S.W. Third Avenue, 97204. Phone (503) 221–4114.
20. ST. PAUL, Minnesota, 316 North Robert Street, 55101. Phone (612) 725–7810.
21. SAN FRANCISCO, California, 555 Battery Street, 94111. Phone (415) 556–7701.
22. SAN JUAN (Hato Rey, Puerto Rico), 747 Federal Building, 00918. Phone (809) 753–4587.
23. SEATTLE, Washington, 915 Second Avenue, 98174. Phone (206) 442–7653.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-37048 Filed 12-29-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[Docket No. FEMA-REP-6-LA-2]

Louisiana; Radiological Emergency Preparedness Plans

AGENCY: Federal Emergency Management Agency.

ACTION: Notice of receipt of plans.

SUMMARY: This is a notice that the State of Louisiana has submitted Radiological Emergency Preparedness Plans to the Federal Emergency Management Agency, Region VI for review and approval. These plans include the Louisiana Peacetime Radiological Response Plan and Attachment I to this plan which is the Peacetime Radiological Response Plan for the Waterford Steam Electric Station Unit No. 3.

DATE PLANS RECEIVED: November 23, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Joe Winkle, Acting Regional Director, FEMA Region VI, Federal Center, Denton, Texas 76201—(817)–387–5811.

NOTICE: This provides notice in accordance with 44 CFR 350.8 of the FEMA Proposed Rule, "Review and Approval of State and Local Radiological Emergency Plans and Preparedness", 44 FR 42341, that the Federal Emergency Management Agency, Region VI Office, received on November 23, 1981, from the State of Louisiana, Radiological Emergency Preparedness Plans for the State of Louisiana.

These plans include the State of Louisiana Peacetime Radiological Response Plan which is Annex J. Appendix 7 to the Louisiana Preparedness Plan for Emergency Operations and Attachment I, Waterford 3 Steam Electric Station. Copies of these plans are available for review and copying at the FEMA Region VI Office.

Copies will be made available upon request in accordance with the fee schedule for FEMA Freedom of Information Act requests. This schedule which covers exemptions from the fee, is set forth in Subpart C of 44 CFR Part 5. Reproduction fees are $0.10 a page for this document. There are approximately 500 pages in the documents, excluding implementing procedures. (As the cost will be over $25.00, the fee is to be paid in advance.)

Comments regarding the plans may be submitted in writing to Mr. Joe Winkle, Acting Regional Director, at the above address within thirty days.

FEMA Proposed Regulation 44 CFR 350.10 calls for a public meeting in advance of FEMA approval. A Public Meeting will be conducted in St. Charles/St. John's Parish prior to FEMA approval of the plan.

Joe Winkle,

Acting Regional Director.

December 11, 1981.

[FR Doc. 81-37161 Filed 12-29-81; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL RESERVE SYSTEM

Coffee County Bancshares, Inc.; Formation of Bank Holding Company

Coffee County Bancshares, Inc., Manchester, Tennessee, has 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 a bank holding company by acquiring 80 per cent or more of the voting shares of Coffee County Bank, Manchester, Tennessee. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 21, 1982. 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.

Board of Governors of the Federal Reserve System, December 22, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-37158 Filed 12-29-81; 8:45 am]

BILLING CODE 6210-01-M

El Campo Bancshares, Inc.; Formation of Bank Holding Company

El Campo Bancshares, Inc., El Campo, Texas, has 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 a bank holding company by acquiring 80 per cent or more of the voting shares of Commercial State Bank of El Campo, El Campo, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 21, 1982. 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.

Board of Governors of the Federal Reserve System, December 22, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc.81-37157 Filed 12-29-81; 8:45 am]

BILLING CODE 6210-01-M

First Busey Corp.; Acquisition of Bank

First Busey Corporation, Urbana, Illinois, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of National Bank of Urbana, Urbana, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 21, 1982. 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.

Board of Governors of the Federal Reserve System, December 22, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-37155 Filed 12-29-81; 8:45 am]

BILLING CODE 6210-01-M

First International Bancshares, Inc.; Acquisition of Bank

First International Bancshares, Inc., Dallas, Texas, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to merge with Austin

Bancshares Corporation, Austin, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

First International Banchares, Inc., Dallas, Texas, also engages in the following nonbank activities: insurance and financing activities within the scope permitted by the Board's Regulation Y. In addition to the factors considered under section 3 of the Act (banking factors), the Board will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions in section 4 of the Act (12 U.S.C. 1843).

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 21, 1982. 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.

Board of Governors of the Federal Reserve System, December 22, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-37154 Filed 12-29-81; 8:45 am]

BILLING CODE 6210-01-M

Global Bancorporation; Formation of Bank Holding Company

Global Bancorporation, New York, New York, has 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 a bank holding company be acquiring 100 percent of the voting shares of Global Union Bank, New York, New York. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 21, 1982. 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.

Board of Governors of the Federal Reserve System, December 22, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-37150 Filed 12-29-81; 8:45 am]

BILLING CODE 6210-01-M

Mason State Co.; Formation of Bank Holding Company

Mason State Company, Mason City, Nebraska, has 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 a bank holding company by acquiring 96.75 percent of the voting shares of Mason State Bank, Mason City, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 21, 1982. 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.

Board of Governors of the Federal Reserve System, December 22, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-37153 Filed 12-29-81; 8:45 am]

BILLING CODE 6210-01-M

W.T.B. Corp.; Formation of Bank Holding Company

W.T.B. Corporation, Spokane, Washington, has 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 a bank holding company by acquiring 100 percent of the voting shares, less directors' qualifying shares, of the successor by merger to Washington Trust Bank, Spokane, Washington. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 15, 1982. 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.

Board of Governors of the Federal Reserve System, December 22, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-37152 Filed 12-29-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Proposed Land Classifications

Corrections

In FR Doc. 81-34228 appearing on page 58192 in the issue for Monday, November 30, 1981, make the following changes:

1. On page 58194, second column, under I-8116, the third line should read: "E½SW¼; 280 acres.", under I-8420, third line, "* * * NE¼ * * *" should read "* * * SW¼ * * *"; third column, "I-90093" should read "I-9093", under I-12023, the second line should read: "Sec. 34: NE¼SW¼;" and the fourth line should read: "Sec. 9: NW¼NE¼; 80 acres.", under I-12308, the first and second lines should read as follows:

"T. 7 S., R. 3 E., B.M.,

Sec. 30: SE¼SW¼;".

2. On page 58195, first column, "I-47855" should read "I-14785", under I-14786, the second line should read:

"Sec. 19: NE¼SW¼, SE¼, SE¼SW¼;"

3. On page 58195, second column, under I-8902, second line, "* * *SW½;" should read "* * *SW¼;".

4. On page 58196, second column, the third line from the top should read as follows:

"Sec. 27: S½NW¼, N½SW¼, SW¼SW¼,"

And in the third paragraph under *Proposed*, fourth line, "* * * 69-* * *" should read "* * * 59-* * *".

5. On page 58197, second column, under I-8894, sixth line, remove the comma after "NE¼", and in the eighth line, "* * * NW¼ * * *" should read "* * * NE¼ * * *; and in the third column, twenty-ninth line from the top, "* * * 752.50 * * *" should read "* * * 757.50 * * *", and the last line at the

bottom of the page, "* * * NW¼;" should read "SW¼;".

BILLING CODE 1505-01-M

Adoption of Final Leasing Target for Fort Union Coal Production Region, North Dakota and Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Adoption of the Final Coal Leasing Target for the Fort Union Coal Production Region, North Dakota and Montana.

SUMMARY: Under the Federal Coal Program Management regulations (43 CFR 3420.3–2(j)), the Secretary of the Interior has the responsibility for establishing a Federal coal leasing target for each of the Federal coal production regions. This notice is to inform the public that on December 18, 1981, the Assistant Secretary for Land and Water Resources, acting under authority delegated to him by the Secretary of the Interior, adopted a leasing target of 0.8 to 1.2 billion tons of Federal coal reserves for the Fort Union Coal Production Region.

EFFECTIVE DATE: December 18, 1981.

FOR FURTHER INFORMATION CONTACT: Monte Jordan, Division of Coal, Oil Shale and Tar Sands, Bureau of Land Management, 1800 C Street NW., Washington, D.C. 20240, (202) 343–4636

SUPPLEMENTARY INFORMATION: The decision of the Assistant Secretary for Land and Water Resources is set out below.

The Secretary of the Interior has delegated to me his authority under 43 CFR 3420.3 to set Federal coal leasing targets. It is my decision, after careful consideration, to set the final leasing target for the Fort Union Coal Production Region at 0.8–1.2 billion tons with the understanding that this level may be altered at Departmental discretion if necessary to fulfill program goals.

This decision is based on a number of considerations including the input received from the Regional Coal Team (RCT), the comments received from the public, and consultation with the Governors of affected States. Although a number of comments supported the adoption of a lower leasing target of 0.4–0.8 billion tons, I do not believe they outweigh the arguments for the higher target. In my judgment, the Federal coal leasing program must insure free competition and compensate for unexpected occurrences of increased demand or shortfalls in supply. I have serious doubts that a leasing target less than the 0.8–1.2 billion tons would assure the fulfillment of these criteria.

The following briefly outlines the major factors which influenced my decision.

I. Free Competition

A major goal of this Administration is to reduce governmental interference in the workings of the market system. Therefore, it is our intent in the coal leasing program, as well as in our other programs, to encourage free competition. Only through such a system can the American consumer be guaranteed an adequate supply of energy and other essential resources at the lowest possible cost.

Setting targets which allow for leasing only one ton of recoverable coal for every ton of needed production has been criticized by both the Department of Justice and the General Accounting Office as being inefficient and potentially anti-competitive. The Justice report concludes that a target leasing system unduly supplants the market place as the allocator of coal resources. At present, competition takes place in the coal industry through the rivalry among many sellers, each of which has one or more parcels of coal to supply to a given utility. This competitive market efficiently matches coal deposits with utilities and causes the coal that is the cheapest to mine to be produced, the most efficient mining techniques to be used, and coal to be sold at a price commensurate with its cost. Setting unnecessarily restrictive leasing targets will cause a gradual decline in the use of market mechanisms for making these decisions and many lead to an eventual elimination of competition.

The Federal Government owns an estimated 62 percent of all Western coal reserves, and, because of scattered checkerboard ownership, controls another 14 percent. Over time, the proportion of Western coal production on Federal lands is expected to rise dramatically, thereby reducing the importance of production from private lands. Because the control of this vast resource is vested in the government, it is essential that any leasing program insures that a competitive market is maintained. However, this cannot be achieved under a restrictive leasing program with minimum leasing targets since there can be no rivalry among sellers.

Furthermore, a target system requires the government to make all resource allocation decisions by leasing only those tracts which it finds best meet the needs of a particular consumer, such as a utility planning a coal fired plant in the leasing region. This gives each lessee/supplier what is, in effect, a government granted monopoly of the coal supply allotted to that consumer and therefore substantial control over the price. To avoid this situation, our program must allow the market to efficiently match the coal supplies to the consumer and allow market forces to control prices.

II. Resource Pool to Enhance Strategic Planning

A market-oriented leasing policy also means that there is a need for creating a pool of reserves well in advance of planned production to allow for strategic planning by the industry and to accommodate the 10 year (or longer) leadtime from lease sale to full production. Greater flexibility in planning allows the industry to operate in a more cost efficient manner, which tends to hold prices down to the consumer and insure adequate supplies are available to meet demands for energy.

III. Uncertainties in Supply and Demand

Frequently, significant shortfalls of leasing occur as a result of matching leasing levels to needed production on a ton-for-ton basis. The information available to DOI is not sufficient to allow us to exactly determine 10 years in advance the amount of coal that should be produced or the deposits from which that coal should come. One cannot know with any reasonable degree of certainty the future demand for coal by electric utilities and producers of synthetic fuels. Even if these things were known, there still would not be enough information to set precise leasing targets because we do not know the amount of coal that will be produced by existing mines. Thus, any attempt to match leasing levels to needed production on a ton-for-ton basis guarantees that much of the time there will be significant shortfalls in leasing. Whenever this happens, private reserves that are more costly to mine than Federal reserves will be forced into production, and coal prices will rise. With this in mind it becomes apparent that we should allow as much flexibility in our program as possible to provide for the uncertainties of the future.

IV. Easy Entry into Coal Industry

Finally, a market-oriented leasing policy should not impose any unnecessary constraints on entry into the coal industry. Insofar as easy entry into the industry has a disciplining effect on prices and output as a result of stimulating potential competition from new entrants, it is an important factor in

assessing the competitiveness of the industry. For regions such as Fort Union, where future mining will depend on the availability of Federal coal, severe limitations on such availability could create an artificially higher barrier to entry, as well as shifting substantial market power to present industry participants. Any leasing of less than the preliminary target established for the region may be anti-competitive in that it would effectively limit the number of coal producers who can gain access to Federal coal and, thereby, limit the number of those who can compete for contracts to supply coal consumers. In general, new leasing is one method of improving entry conditions, which in turn increases the number of different producers and stimulates competition.

V. Fort Union Region Considerations

In view of the above reasons favoring expanded leasing, a security factor of proper magnitude should be embodied in the process of establishing the leasing target. Little margin for error is allowed by a leasing target in the range of 0.4–0.8 billion tons. This is barely enough to cover the Department of Energy's (DOE's) "low" to "medium" projection of demand. This target would probably be insufficient to meet future demands if: (1) Electricity demand were to grow faster than anticipated; (2) synthetic fuels development came on line faster than projected; (3) Fort Union Region coal captured an even larger share of the domestic market than anticipated; and (4) many of the existing leases and the preference right lease applications within this region do not go into production as assumed.

The final target decision for this region is further supported by an examination of the leasing target implied by the production goals set by DOE.

Based on the following assumptions:

- The baseline coal production from existing Federal leases and non-Federal lands without new Federal coal leasing is projected to be 43 million tons in 1995;
- The average lifetime expectancy of a coal mine is 40 years;
- The share of Federal coal reserve is 36% in this region;
- The recovery rate of lignite coal is 90%; and
- A 25% security factor is allowed;

the leasing targets that correspond to DOE's low, medium, and high demand scenarios are 220, 860, and 1,260 million tons, respectively.

Considering the possible inadequacy of the 25% security factor coupled with DOE's demand projections as noted above, it is evident that the final target, should range from a minimum of 800 million tons (corresponding to DOE's medium demand projection) to 1.2 billion tons (corresponding to DOE's high projection). With this leasing target, we can help insure that the large social costs resulting from restricted leasing can be minimized.

VI. Proposed Burlington Northern Land Exchange

The possibility of a Burlington Northern land exchange is a final consideration which should be discussed in the context of the leasing program. If the exchange is successfully negotiated it would most likely take place sometime during the period scheduled for the Fort Union lease sale. Currently the Government owns a tract, Circle West III, containing approximately 175 million tons in the central portion of the proposed exchange area. This tract is also being analyzed as two smaller tracts; Circle West I and Circle West II. The Circle West tracts occur in all alternatives being considered by the Fort Union Coal Team to meet the leasing target. An exchange would result in the consolidation of a Federal tract which would contain approximately 350 million tons of coal. Should the exchange occur, the consolidated tract (350 million tons) may possibly be offered for lease. This means that if all tracts offered are leased, including the consolidated tract, we may actually increase our sale total by the 175 million tons gained in the exchange. However, because of my concern that the 25% security factor may be inadequate to compensate for demand uncertainties and to further stimulate competition, I believe that offering the increased tonnage, if it becomes available, is consistent with and will further the goals of the coal leasing program.

VII. Conclusion

In conclusion, I believe that the national interest will best be served by a final regional leasing target for the Fort Union Region of 0.8–1.2 billion tons. Thus the proposed action for the regional environmental impact statement becomes 0.8–1.2 billion to be arrayed with a number of other alternatives.

As new data on the demand for reserves becomes available over the next year, we may find that a higher or lower recommendation may be necessary to forward to the Secretary for the ultimate decision regarding which tracts are to be offered for lease.

Dated: December 23, 1981.

Garrey E. Carruthers,

Assistant Secretary, Land and Water Resources.

[FR Doc. 81-37145 Filed 12-29-81; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

Renewal of San Antonio Missions Advisory Commission

This notice is published in accordance with the provisions of Section 7(a) of the Office of Management and Budget Circular A63 (revised). Pursuant to the authority contained in Section 14(a) of the Federal Advisory Committee Act (Pub. L. 92–463), the Secretary of the Interior has determined that renewal of the San Antonio Missions Advisory Commissions is necessary and in the public interest.

The purpose of the committee is to advise the Secretary of the Interior on matters relating to the San Antonio Missions National Historical Park.

The General Services Administration concurred in the renewal of this committee on November 30, 1981.

Further information regarding this committee may be obtained from Shirley M. Luikens, Advisory Boards and Commissions, National Park Service, Department of the Interior, Washington, DC 20240 (202–343–2012).

Dated: December 23, 1981.

Robert A. Ritsch,

Acting Associate Director, Recreation Resources, National Park Service.

[FR Doc. 81-37134 Filed 12-29-81; 8:45 am]

BILLING CODE 4310-70-M

Bureau of Reclamation

[INT FES 81-57]

O'Neill Unit, Pick-Sloan Missouri Basin Program, Nebraska; Availability, Alternatives Study Appendix A to FES 72–34

In June 1981 members of the Nebraska congressional delegation requested the Bureau of Reclamation to make a 120-day appraisal level study of certain suggested alternatives to the presently authorized O'Neill Unit, Nebraska, a feature of the Pick-Sloan Missouri Basin Program.

This study has been completed and the report thereon filed with EPA as Appendix A (INT FES 81–57) to the O'Neill Unit Final Environmental Statement (INT FES 72–34).

Distribution of this appendix will be made to all recipients of previously distributed FES documents for the O'Neill Unit.

Copies are available for inspection at the following locations:

Director, Office of Environmental Affairs, Room 7622, Bureau of Reclamation, Washington, DC 20240, Telephone: (202) 343–4991

Division of Management Support, General Services Library Section Code 950, Engineering and Research Center, Denver Federal Center, Denver, Colorado 80225, Telephone: (303) 234–3019

Regional Director, Bureau of Reclamation, Lower Missouri Region, P.O. Box 25247, Denver, Colorado 80225, Telephone: (303) 234–3779

Nebraska-Kansas Projects Office, Bureau of Reclamation, P.O. Box 1607, Grand Island, Nebraska 68801, Telephone: (308) 382–3660

Single copies of the appendix may be obtained on request to the Director, Office of Environmental Affairs, Bureau of Reclamation, or the Regional Director at the above addresses. Copies will also be available for inspection in libraries in the project vicinity.

Dated: December 23, 1981.

R.N. Broadbent,

Commissioner.

[FR Doc. 81-37127 Filed 12-29-81; 8:45 am]

BILLING CODE 4310-09-M

Office of the Secretary

Insignificant Revision in 5-Year OCS Leasing Schedule; Gulf of Mexico

AGENCY: Office of OCS Program Coordination, Office of the Secretary.

ACTION: Notice.

SUMMARY: The 5-Year OCS Leasing Schedule issued on June 18, 1980, provided for OCS Sale #67 (Gulf of Mexico) to be held in March 1982. After considering the relative merits of advancing the sale to February 1982, it has been concluded that advancing the sale serves the national interest. After analyzing whether moving the sale by one month was a significant revision under section 18 of the OCS Lands Act, we have concluded that it would not be a significant revision of the 5-Year Program. Copies of this analysis are available from the address mentioned later.

FURTHER INFORMATION: Contact Chris Oynes, Office of OCS Program Coordination, U.S. Department of the Interior, 18th and C Streets, Room 5150, Washington, D.C. 20240, (202) 343–9311.

Dated: December 23, 1981.

Donald Paul Hodel,

Under Secretary.

[FR Doc. 81-37137 Filed 12-29-81; 8:45 am]

BILLING CODE 4310-10-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-1 (Sub-No. 129)]

Chicago and North Western Transportation Co.; Abandonment Between Geneva and Aurora, in Kane County, IL; Findings

The Commission has issued a certificate authorizing Chicago and North Western Transportation Co., to abandon its 8.2 mile rail line between Geneva milepost 35.8 and Aurora milepost 44.0 in Kane County, IL. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) a financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, D.C. 20423, no later than 10 days from publication of this Notice. Any offer previously made must be remade within this 10 day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1121.38.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-37029 Filed 12-29-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Decision Notice; Finance Applications

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931, and 10932.

We find

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is Ordered

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC–FC–79356. By decision of December 4, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board No. 3 approved the transfer to IOWA DELIVERY SERVICE, INC., of Des Moines, IA of Certificate No. MC–129802 (Sub-No. 12) issued to GAIL R. KALDENBERG d.b.a. ABC CARTAGE, of Des Moines, IA, authorizing the transportation by irregular route of general commodities (with the usual exceptions) from Des Moines, IA to points in IOWA within 100 miles of Des Moines, except Kellogg, Grinnell, Newton and Marengo. Applicant's representative is: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309.

MC–FC–79401, (as amended) By decision of December 8, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board No. 3 also approved the transfer to JOHN L. NOVAK d.b.a. SAFEWAY MOTOR FREIGHT COMPANY of McDonald, OH, of Permit No. MC–92550 (Sub-No. 9) issued to J. G. STOCK d.b.a. SAFEWAY MOTOR FREIGHT COMPANY authorizing the transportation of *Steel wire* between

points in the U.S. under continuing contract(s) with Brainard Rivet Co. of Girard, OH. Applicant's representative is: Lreid S. Witherspoon, 2455 North Star Road, Suite 100, Columbus, OH 43221.

MC–FC–79403. By decision of December 8, 1981, Review Board 3 vacated its prior decision of October 15, 1981, and approved the transfer to William and Carole Littlefield a partnership d.b.a. Master Refigerated Transport, of Shady Cove, OR, of Certificates No. MC–144054 (Sub-Nos. 2, 3, 6, 7, 10, 11, and 12) issued to Bill Littlefield Trucking, Inc., of Medford, OR, authorizing: Named commodities, including foods, commodities dealt in by retail gift shops, fireplace logs and barbecue supplies, from and to facilities of Harry and David (a corporation) and Husky Industries, Inc. at Medford and White City, OR, from and to named states throughout the U.S. Condition's submission of a revised purchase agreement. Applicant's representative: Larry Knox, 600 Hubbell Bldg., Des Moines, IA 50309.

Note.—TA lease is not sought. Transferee is not a carrier.

MC–FC–79410. By decision of October 14, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to INTERNATIONAL CONTAINER SERVICES, of Baltimore, MD, of Certificate No. MC–70272, issued to KING VAN LINES, INC., JAMES R. BARR, TRUSTEE IN BANKRUPTCY, of Wichita, KS, which authorizes the transportation, as a motor common carrier, of *household goods*, as defined by the Commission, between points in the United States (except AK and HI); *emigrant movables*, between specified counties in OK, on the one hand, and, on the other, points in AR, KS, LA, MO, NM, and TX; and *new furniture*, uncrated, from Los Angeles, CA, to Bisbee and Douglas, AZ. This transfer is subject to the following condition: Charles E. Bradley, President and owner of transferee, must divest himself of all control and management of Routed Thru-Pac, Inc., a freight forwarder, prior to consummation of this transaction. Representative: Alan F. Wohlstetter, 1700 K Street, NW., Washington, D.C. 20006.

Notes.—TA has been filed. Transferee is a non-carrier.

MC–FC–79510. By decision of December 9, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Edgar W. Root, Inc. of Permit No. MC–126776 issued to Royal Service, Incorporated authorizing the transportation of (1) *new uncrated school furniture*, from Westfield, MA to points in ME, NH, VT, RI, and CT and (2) *returned shipments* of new uncrated school furniture in possession of consignee, from points in ME, NH, VT, RI, and CT to Westfield, MA, under a continuing contract or contracts with Columbia Manufacturing Company, Inc. of Westfield, MA. Applicants' representative: David M. Marshall, 101 State Street, Suite 304, Springfield, MA 01103.

Note.—Transferee is a motor carrier pursuant to authority issued in MC–75835.

Agatha L. Mergenovich,

Secretary.

FR Doc. 81–37179 Filed 12–29–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Temporary Authority Application

The following are notices of filing of applications for temporary authority under section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a 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–177

The following applications were filed in Region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 48501 (Sub–4–2–TA), filed December 17, 1981. Applicant: INDIANA MOTOR BUS COMPANY, 715 South Michigan, South Bend, IN 46624. Representative: Jeremy Kahn, Suite 733, Investment Bldg., 1511 K Street, N.W., Washington, D.C. 20005. *Contract* irregular: *Passengers and their baggage*, in roundtrip charter operations, beginning and ending at points in IN, MI, IL, OH, PA, KY, MO, WI, IA, TN, NY, VA, NC, MN, MD and WV and extending to points in FL, under contract with Echo Travel, Inc., Carol Stream, IL. Supporting witness: Echo Travel, Inc., 373 South Schmale Road, Carol Stream, IL 60187.

MC 145742 (Sub–4–5–TA), filed December 16, 1981. Applicant: BOLES TRUCKING, INC., Rural Route 1, Ina, IL 62846. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. *Contract*, irregular, *Sulphuric and chromic acid*, between Mt. Vernon, IL on the one hand, and on the other, Clark Summit, PA and Waco, TX. Restricted to traffic moving under continuing contract with Precision National, Inc. An underlying e.t.a. seeks 120 days authority. Supporting shipper: Precision National, Inc., 908 Shawnee, Mt. Vernon, IL 62864.

MC 146779 (Sub–4–1–TA), filed December 16, 1981. Applicant: REGAL TRUCKING CO., 3741 South Pulaski Road, Chicago, IL 60623. Representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL 60601. *Petroleum products, in bulk*, between Milwaukee County, WI and points in IL. Supporting shipper: Industrial Fuel Oil, Inc., 9325 North 107th Street, Milwaukee, WI 53224.

MC 148705 (Sub–4–11–TA), filed December 17, 1981. Applicant: TWIN CONTINENTAL TRANSPORT CORP., 5738 Olson Highway, Minneapolis, MN 55422. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402. *Such commodities as are dealt in by retail department and catalog stores*, from Seattle and Tacoma, WA to points in CO, IA, ID, IL, IN, KS, MI, MN, MO, MT, ND, NE, OH, OR, SD, UT, WA, WI and WY. Supporting shipper: Modern Merchandising, Inc., 5101 Shady Oak Road, Minnetonka, MN 55343.

MC 153288 (Sub-4–2–TA), filed December 16, 1981. Applicant: MINNESOTA UTILITY CONTRACTING, INC., 6100 Industry Ave., Anoka, MN 55303. Representative: John B. Van de North, Jr., Briggs and Morgan, 2200 First National Bank Bldg., St. Paul, MN 55101. *Utility trucks,* between points in MN, on the one hand, and, on the other, Oklahoma City, OK and Houston, TX. Supporting shipper: Northwestern Bell Telephone Co., 500 N. Carlton Street, St. Paul, MN 55119.

MC 153664 (Sub-4–2–TA), filed December 7, 1981. Applicant: DAVID A. LUNDEEN, d.b.a. FARGO FREIGHT TERMINAL & WAREHOUSE, 1455 Fifth Ave, North, P.O. Box 1828, Fargo, ND 58102. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. *Paper and paper products* from the facilities of Butler Paper Company in St. Paul, MN to points in ND, under contract(s) with Butler Paper Company of Fargo, ND. An underlying ETA seeks days authority. Supporting shipper: Butler Paper Co., 1330 N. 39th St., Fargo, ND 58102.

MC 157910 (Sub-4–1–TA), filed December 16, 1981. Applicant: ALPHA OMEGA LINE, INC., 739 Vandalia, St. Paul, MN 55114. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. *Contract,* Irregular: *Sugar* from Kansas City, MO to points in KS, NE, OK, AR. Supporting shipper: American Crystal Sugar Co., 101 N. Third Street, Moorhead, MN 56560.

MC 159559 (Sub-4–1–TA), filed December 10, 1981. Applicant: JOSEPH DOSTAL d.b.a. ABRASIVE TRANSPORT, 675 Byron, Plymouth, MI 48170. Representative: Paul M. Ross, 3104 S. Cedar St., Lansing, MI 48910. *Contract* irregular: *Metal products, reprocessed steel shot and steel grit, along with associated equipment, tools, and supplies,* between points in WI, IL, IN, OH, PA, KY, TN, CT, and MD, on one hand, and, on the other, points in the Cont'l U.S. under continuing contracts with Plymouth Metal Abrasive Company and Metal Tech Steel Abrasive Company. Supporting shippers: Plymouth Metal Abrasive Company, 8835 General Dr., Plymouth, MI 48170, Metal Tech Steel Abrasive Company, 8835 General Dr., Plymouth, MI 48170.

MC 159711 (Sub-4–2–TA), filed December 15, 1981. Applicant: FISCHER TRUCK & BUS SERVICE, INC., P.O. Box 622, Fenwood, WI 54431. Representative: Nancy J. Johnson, Attorney, 103 East Washington St., P.O. Box 218, Crandon, WI 54520. *Pallet and pallet parts* from the town of Kronenwetter (Marathon County), WI to Chicago and Rockford, IL and their respective Commercial Zones. Supporting shipper: R. J. Reetz & Sons, 3539 N. Road, Mosinee, WI 54455.

MC 159733 (Sub-4–1–TA), filed December 16, 1981. Applicant: S&L TRUCKING, INC., P.O. Box 322, Harvard, IL 60033. Representative: William F. Mix, 21–A Muzzey Street, Lexington, MA 02173. *Contract* irregular: *Epoxy resin; plastic materials; and molding compounds, granules or pellets, in packages, and materials, equipment and supplies used in the sale, distribution, and manufacture thereof* (except class A and B explosives) between Crestline, KS; Milwaukee, WI; and Ringwood, IL and points in CA, FL, LA, MA, MD, NJ, NY, and WA. Restricted to traffic moving under continuing contracts with Morton Chemical, a Division of Morton Norwich Products. An underlying ETA seeks 120 days authority. Supporting shipper: Morton Chemical, a Division of Morton Norwich Products, 1275 W. Lake Ave., Woodstock, IL 60098.

MC 159741 (Sub-4–1–TA), filed December 16, 1981. Applicant: COMDISCO TRANSPORT, INC., 6400 Shafer Court, Rosemont, IL 60018. Representative: Jack H. Blanshan, 205 W. Touhy Ave., Suite 200–A, Park Ridge, IL 60068. *Contract* irregular: *Computers and components of computers,* between points in the U.S., except AK and HI, under continuing contract(s) with Comdisco, Inc., Rosemont, IL. Supporting shipper: Comdisco, Inc., 6400 Shafer Court, Rosemont, IL 60018.

MC 159772 (Sub-4–1–TA), filed December 17, 1981. Applicant: BRAKEBUSH BROTHERS, INC., Route 2, Westfield, WI 53964. Representative: Michael J. Wyngaard, 150 E. Gilman St., Madison, WI 53703. *Contract* irregular: *Food and related products* from points in CA, FL, ID, KS, MI, MO, OR, TX, UT and WA to Baraboo, WI, under a continuing contract(s) with Baraboo Sysco Food Services, Inc., a subsidiary of Sysco Corp. Supporting shipper: Baraboo Sysco Food Services, Inc., a subsidiary of Sysco Corp., 901 Sauk Ave., Baraboo, WI 53913.

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 120080 (Sub-5–3–TA), filed December 17, 1981. Applicant: MORGAN EXPRESS, INC., 10130 Monroe Drive, Dallas, TX 75229. Representative: Max G. Morgan, P.O. Box 1540, Edmond, OK 73034. *General commodities (except classes A and B explosives and hazardous waste) moving in express service* between Vicksburg and Jackson, MS, from Vicksburg over US Hwys 80 and/or I–20 to Jackson serving all intermediate points. Applicant intends to tack and interline.

MC 123476 (Sub-5–14–TA), filed December 17, 1981. Applicant: CURTIS TRANSPORT, INC., P.O. Box 427, Arnold, MO 63010. Representative: David G. Dimit (same address as applicant). *Textile Mill Products (except in bulk in tank vehicles)* between Haynesville, LA and Neenah, WI. Supporting shipper: Edmont, Inc., Rte 1, Box E–W, Haynesville, LA 71038.

MC 124174 (Sub-5–54–TA), filed December 18, 1981. Applicant: MOMSEN TRUCKING CO., 13811 "L" Street, Omaha, NE 68137. Representative: Karl E. Momsen (same as above). *Plastic Recycling Machinery and related materials,* from South Attleboro, MA and Pawtucket, RI to all pts in the U.S.A. Supporting shipper: Cumberland Engineering Co., Fred N. Roddy Avenue, South Attleboro, MA 02703.

MC 128075 (Sub-5–2–TA), filed December 18, 1981. Applicant: JOHNSRUD TRANSPORT, INC., P.O. Box 447, Cresco, IA 52136. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. Contract irreg *Vegetable oils* from Chicago, IL to Des Moines, IA and Sioux Falls, SD under contract with Hiland Potato Chip Co. Supporting shipper: Hiland Potato Chip Co., P.O. Box 3070, East 14th Street Station, Des Moines, IA 50306.

MC 141914 (Sub-5–21–TA), filed December 16, 1981. Applicant: FRANKS AND SON, INC., Route 1, Box 108A, Big Cabin, OK 74332. Representative: Kathrena J. Franks (same as applicant). *Paper and plastic products* between Sebastian County, AR, on the one hand, and, on the other, points in CA, OR & WA. Supporting shipper: American Can Company, 4411 Midland Boulevard, Fort Smith, AR 72904.

MC 147348 (Sub-5–9–TA), filed December 18, 1981. Applicant: SOUTHWEST FREIGHT DISTRIBUTORS, INC., 1320 Henderson, North Little Rock, AR 72114. Representative: James M. Duckett, 221 W. 2nd, Suite 411, Little Rock, AR 72201. *Oil and Antifreeze (except in bulk),* (1) From points in TN, MO, LA, MS, TX, KS and AR, to the facilities of Martin Oil Company, at Norman, OK, and (2) From points in TN, MO, LA, MS, TX, OK and KS, to the facilities of Twin City Oil Company, at North Little Rock, AR. Supporting shippers: Martin Oil

Company, Norman, OK; Twin City Oil Company, North Little Rock, AR.

MC 155752 (Sub-5–1–TA), filed December 16, 1981. Applicant: FON DAVIS TRUCKING, Rural Route 1, Booneville, IA 50038. Representative: Samuel Rubenstein, Post Office Box 5, Minneapolis, MN 55440. *Contract* irregular: *Meat and Meat Products* from Estherville and Sioux City, IA; Fairmont and Worthington, MN; and Sioux Falls, SD, on the one hand, and on the other, to pts in AL, CA, FL, GA, KS, LA, MO, MA, MS, NJ, NY, NC, PA, OK, SC, TN and TX, under continuing contract or contracts with John Morrell & Co., Chicago, IL. Supporting shipper: John Morrell & Co., Chicago, IL.

MC 156611 (Sub-5–1–TA), filed December 17, 1981. Applicant: FOOD TRANSPORT, INC., P.O. Box 446, Fayetteville, AR 72701. Representative: Grant M. Davis, 2217 Juneway Terrace, Fayetteville, AR 72701. Contract: Irregular. *Food and related products, sausage, NOIBN,* between Holton, KS, on the one hand, and, on the other, points in FL, GA, KS, MD, NC, SC, KY, IL, TX, LA, AL, and DC, and their commercial zones. Supporting shipper: Oldham Farm Sausage, Inc., Highway 16 East, Holton, KS 66436.

MC 159678 (Sub-5–1–TA), filed December 18, 1981. Applicant: D.A.T., INC., Rural Route 1, Princeton, KS 66078. Representative: Donald J. Quinn, Commerce Bank Building, Suite 232, 8901 State Line, Kansas City, MO 64114. Contract: irregular, *Food and related products* between points in the United States under continuing contracts with Dubuque Meat Packing Company of Mankato, KS.

MC 159719 (Sub-5–1–TA), filed December 16, 1981. Applicant: WESTBANK CONTAINER SERVICES, INC., 9601 Westbank Expressway, Westwego, LA 70094. Representative: Jack E. Hoffstadt, Suite 736, One Shell Square, New Orleans, LA 70139. *General Commodities in intermodal containers having prior or subsequent movement in interstate commerce* between New Orleans, LA, Baton Rouge, LA, Mobile, AL and Gulfport, MS. Supporting shippers: American President Lines, New Orleans, LA; TTT Ship Agencies, Inc., New Orleans, LA.

MC 159721 (Sub-5–1–TA), filed December 16, 1981. Applicant: PAPPY'S TRANSPORT, division of M. H. SPINKS, SR. ENTERPRISES, INC., P.O. Box 674, Burleson, TX 76028. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Such commodities dealt in or used by food establishment,* between Los Angeles and San Francisco Counties, CA, Clay County, MO, and Wyandotte County, KS, on the one hand, and, on the other, points in AR, CA, KS, IL, IN, IA, MN, MO, NE, NV, ND, OH, OR, OK, SD, TN, TX, WA and WI. Supporting shipper: Acapulco & Los Arcos Mexican Restaurants, 2690 East Foothills Blvd., Pasadena, CA 91107.

MC 159776 (Sub-5–1–TA), filed December 18, 1981. Applicant: JAMES P. FARNHAM, d.b.a. FARNHAM TRUCKING, 7220 Routt Street, Fort Worth, TX 76112. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Post tensioning steel cable, with attachments, and materials, equipment and supplies used in the manufacture, distribution and installation of such commodities,* between Grand Prairie and Houston, TX and Denver, CO, on the one hand, and, on the other, TX, NM, CO, UT, ND, SD, MN, IA, NE, MO, KS, AR, OK, LA, MS, and TN, under contining contract(s) with VSL Corporation of Grand Prairie, TX.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–37182 Filed 12–29–81; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte No. MC–142 (Sub-1)]

Motor Carriers; Removal of Restrictions From Authorities of Motor Carriers of Property

AGENCY: Interstate Commerce Commission.

ACTION: Reappointment of employee review board members.

SUMMARY: On January 15, 1981 (46 FR 3532), the ICC published notice of establishment of a special Restriction Removal Employee Board. This Board has been delegated the functions set forth in 49 CFR 1011.6(1), which was added in that document. Under that section the Board decides applications seeking to remove operating restrictions or to broaden unduly narrow authority in outstanding certificates or permits filed under 49 CFR Part 1137. On December 18, 1981, the Commission voted to reappoint the following employees to serve as members of the Restriction Removal Board for terms of 12 months each: Howell I. Sporn, Chairman, Jane Ewing, and Mark S. Shaffer.

FOR FURTHER INFORMATION CONTACT:

Ombudsman's Office, (202) 275–7440 Edward E. Guthrie, (202) 275–7691.

This action is taken under the authority of 49 U.S.C. 10321 and 5 U.S.C. 553.

Dated: December 18, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–37177 Filed 12–29–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Republications of Grants of Operating Rights Permanent Authority Prior to Certification; Decision Notice

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such pleading shall comply with Special Rule 247(e) of the Commission's general rules of practice (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 44445, (Sub-10) (Republication) filed July 7, 1981, published in the **Federal Register** issue of July 22, 1981, and republished this issue. Applicant: HAROLD KLEIN CARTAGE, INC., 5235 North Hopkins Street, Milwaukee, WI 53209. Representative: William C. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203. A Decision of the Commission, Review Board Number 3, decided October 29, 1981, and served November 17, 1981, finds that the performance by applicant of the service described herein will be consistent with the public interest and the national transportation policy to operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except classes A and B explosives), between points in the United States, under continuing contracts(s) with International Nu-way Shippers, Inc., of Chicago, IL; that applicant is fit, willing, and able properly to perform such service and to conform to statutory and administrative requirements. The purpose of this

republication is to allow any proper party in interest to file an appropriate petition for leave to intervene setting forth in detail the precise manner in which it has been so prejudiced by the authorization to serve between points in the United States instead of between points in Wisconsin and Illinois, who may have relied upon the previous notification in the **Federal Register**

MC 99775 (Sub-4) (Republication) filed August 3, 1981 published in the **Federal Register** issue of August 26, 1981, and republished this issue. Applicant: TRIANGLE EXPRESS, INC., 1015 S.W. 2nd, Oklahoma City, OK 73109. Representative: William P. Parker, 141 N.E. 38th Terrace, Oklahoma City, OK 73105. A Decision of the Commission, Review Board Number 1, decided November 12, 1981, served December 1, 1981, finds that the performance by applicant of the service described herein will serve a useful public purpose, responsive to a public demand or need in (PART A) to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities*, and serving all intermediate points: (1) between Shawnee and Aydelotte, OK, over Oklahoma Hwy 18: (2) between Shawnee and Oklahoma City, OK, over U.S. Hwy 270 and also over Oklahoma Hwy 3; (3) between Oklahoma City and El Reno, OK, over U.S. Hwy 66, serving the off-route points of Warr Acres (Putnam City), Overholser Dam and Dam Site, Cimarron Field, Mustang Field, Mustang Station (Council), Concho Indian School, Fort Reno, and Federal Reformatory, with alternate route over Oklahoma Hwy 4 (10th St. Cut-off) between Oklahoma City and Yukon, OK; (4) between Guthrie and Oklahoma City, OK, over U.S. Hwy 77, restricted against any shipment originating in Oklahoma City and destined to Edmond or originating in Edmond and destined to Oklahoma City; (5) between Guthrie and Perry, OK, over Interstate Hwy 35 and U.S. Hwy 77; (6) between Perry and Lucien, OK, over Oklahoma Hwy 164; (7) between Perry, OK, and junction U.S. Hwy 64 and Oklahoma Hwy 99, over U.S. Hwy 64, serving the off-route point of Maramec, OK; (8) between junction U.S. Hwy 64 and Oklahoma Hwy 99 and Drumright, OK, over Oklahoma Hwy 99; (9) between Drumright and Guthrie, OK, over Oklahoma Hwy 33, serving the off-route point of Ripley, OK; (10) between junction interstate Hwy 40 and U.S. Hwy 177 and junction U.S. Hwy 177 and U.S. Hwy 64, over U.S. Hwy 177, serving the off-route points of Carney and Tryon, OK; (11) between junction Interstate Hwy 35 and Oklahoma Hwy 51 and junction Oklahoma Hwy 51 and Oklahoma Hwy 99, over Oklahoma Hwy 51, serving the off-route points of Glenco, OK; (12) between Aydelotte, OK, and junction Oklahoma Hwy 18 and U.S. Hwy 64, over Oklahoma Hwy 18. (PART B) To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except classes A and B explosives), serving all intermediate points, (1) between Perry, OK, and Wichita, KS, (a) from Perry over U.S. Hwy 64 to junction U.S. Hwy 177, then over U.S. Hwy 177 to junction U.S. Hwy 77, at or near Ponca City, OK, then over U.S. Hwy 77 to junction U.S. Hwy 54 at Augusta, KS, then over U.S. Hwy 54 to Wichita, and return over the same route, and (b) from Perry over Interstate Hwy 35 to Wichita, and (2) between Pawnee, OK, and Tulsa, OK, over U.S. Hwy 64. Condition: (1) Issuance of the certificate authorized in this proceeding is subject to the prior or coincidental cancellation, at applicant's written request, of Certificates of Registration No. MC 99775 (Sub-Nos. 1, 2, and 4); and (2) To the extent the certificate issued embraces the transportation of classes A and B explosives, it shall be limited to 5 years from its date of issuance; that applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to indicate that the authority granted here exceeds the scope of the authority published in the notice in the **Federal Register**, inasmuch as it includes service over certain regular routes within Oklahoma as contained in applicant's certificates of registration. It is possible that persons, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of that portion of the authority which exceeds the scope of the previous publication. Therefore, any proper party in interest may file an appropriate petition for leave to intervene with respect to that portion not previously noticed, setting forth in detail the precise manner in which it has been so prejudiced by authorization of that part of the authority.

MC 151264 (Republication), filed May 26, 1981, published in the **Federal Register** issue of June 15, 1981, and republished this issue. Applicant: CHESAPEAKE & NORTHERN TRANSPORTATION CORP., 5604 Capelle Road, Portsmouth, VA 23703. Representative: James C. Riffe (same address as applicant). A Decision of the Commission, Division 2, Acting as an Appellate Division, decided November 23, 1981, served November 30, 1981 and a Decision of the Commission, Review Board Number 1, decided September 8, 1981, and served September 17, 1981 finds of further consideration that the present and future public convenience and necessity require applicant's performing the service as described herein to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers and their baggage*, in charter and special operations, beginning at Norfolk, Portsmouth, Virginia Beach, Suffolk, Chesapeake, Newport News, Hampton, Williamsburg, Franklin, Hopewell, and Petersburg, VA, and points in Isle of Wight, Sussex, Surry, York, Southampton, and Accomack Counties, VA, and Pasquotank County, NC, and extending to points in the United States; that applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to note that the original publication contained two errors: (1) the seven Virginia counties named in the appendix were identified as counties in North Carolina; and (2) Elizabeth City was identified as a county in North Carolina rather than a point in Pasquotank County, NC.

MC 156965 (Republication), filed July 27, 1981, published in the **Federal Register** issue of August 13, 1981, and republished this issue. Applicant: HARWARD & SONS FREIGHT, INC., Rural Route 3, Fairfield, IA 52556. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. A Decision of the Commission, Review Board Number 1, decided November 9, 1981, served November 27, 1981, finds that the performance by applicant of the service described herein will serve a useful purpose, responsive to a public demand or need to operate as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *metal products*, (1) between points in Jefferson County, IA, on the one hand, and, on the other, points in IL, KS, MO, and NE, and Tulsa, OK; and (2) between points in Lee County, IA, and points in Illinois; that applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to broaden the territorial description to include the State of Illinois.

By the Commission.

Volume OPY–4–497

Decided: December 22, 1981.

MC 30446 (Sub-21) (Republication), filed August 31, 1981, published in the **Federal Register** issue of September 15, 1981; and republished this issue. Applicant: BRUCE JOHNSON TRUCKING CO., INC., 3408 North Graham Street, P.O. Box 5647, Charlotte, NC 28225. Representative: Leon Thompson (same address as applicant); Phone: (704) 376–9101. In a decision by the Commission, Review Board 2, decided December 7, 1981, and finds that performance by the applicant as *a contract carrier*, by motor vehicle, in interstate or foreign commerce, *over irregular routes*, transporting *such commodities* as are dealt in by retail department stores, between points in the United States, under continuing contract(s) with The Cato Corporation, of Charlotte, NC, will be consistent with the public interest and the national transportation policy. Applicant is fit, willing and able properly to perform the granted service and to confrom to statutory and administrative requirements.

Note.—The purpose of this republication is to give notice of the applicants authority to serve "points in the United States."

MC 60186 (Sub-73) (Republication), filed July 27, 1981; published in the **Federal Register** issue of August 18, 1981; and republished this issue. Applicant: NELSON FREIGHTWAYS, INC., 47 East Street, P.O. Box 1358, Rockville, CT 06066. Representative: Richard J. Miller (same address as applicant); (203) 871–2050. In a decision by the Commission, Review Board 1, decided December 7, 1981, and finds that performance by the applicant as *a common carrier*, by motor vehicle, in interstate or foreign commerce, *over irregular routes*, transporting (1) *general commodities* (except classes A and B explosives and commodities in bulk), between the District of Columbia and points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Virginia, West Virginia, Delaware, Maryland, Ohio, Alabama, Florida, Georgia, Louisiana, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, on the one hand, and, on the other, points in the United States; (2) *pulp, paper, and printed matter*, between points in Texas, Illinois, Oregon, Nevada, Michigan, and Wisconsin, on the one hand, and, on the other, points in the United States; (3) *glass products*, between points in Indiana, Minnesota, and Oklahoma, on the one hand, and, on the other, points in the United States; and (4) *plastic and rubber articles*, between points in Illinois and Texas, on the one hand, and, on the other, points in the United States, will serve a useful public purpose responsive to a public demand or need. Applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements.

Note.—The purpose of this republication is to give proper notice of the authority actually granted.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-37178 Filed 12-29-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-75)]

Rail Carriers; Boston and Maine Corp. Exemption for Contract Tariff ICC–BM–C–0005

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirement of 49 U.S.C. 10713(e). This contract tariff to be filed may be revoked if protests are filed within 15 days of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Jane F. Mackall (202) 275–7656.

SUPPLEMENTARY INFORMATION: The Boston and Maine Corporation (BM) filed a petition on December 11, 1981, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e), to advance the effective date of its contemporaneously-filed contract tariff ICC–BM–C–0005 (now scheduled to become effective on January 10, 1982), so that it can become effective on one day's notice. This contract involves use of surplus BM boxcars for track storage of pulp, paper, and paper products at local stations on the BM.

Under 49 U.S.C. 10713(e), contracts must be filed on not less than 30 nor more than 60 days' notice. There is no provision for waiving this requirement. Cf. former section 10762(d)(1). However, the Commission has granted relief under our section 10505 exemption authority in exceptional situations.

The BM has surplus boxcars which are not in use and the paper industry has exhausted other available short-term storage facilities in the area. Thus, BM has offered several large shippers of paper products the option of loading cars from origin to destinations, plus use of the cars for storage until the paper products are sold, and to bill them on this basis, which apparently avoids demurrage charges.

A shipper has developed a production problem and needs immediate, additional storage space. It has, therefore, requested BM to establish the tendered contractual arrangement on its behalf, as soon as possible. Accordingly, BM seeks expedited action to permit the described tariff to become effective on short notice.

BM's contract tariff ICC–BM–C–0005 may become effective on one day's notice. We will apply the following conditions which have been imposed in similar exemption proceedings:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in these instances is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking these exemptions under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the **Federal Register.**

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

(49 U.S.C. 10505)

Dated: December 23, 1981.

By the Commission, Division 1. Commissioners Clapp, Gresham, and Taylor. Commissioner Clapp was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-37176 Filed 12-29-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29705]

Apache Railway Co.—Abandonment Between McNary and Snowflake, AZ—Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts the abandonment by The Apache Railway Company of a

39.5-mile branch line between McNary and Snowflake, AZ, from the requirement of prior approval under 49 U.S.C. 10903.

DATES: The exemption is effective on or before January 29, 1982. Petitions for reconsideration of this action must be filed on or before January 19, 1982.

ADDRESSES: Send pleadings to:

(1) Interstate Commerce Commission, Section of Finance, Room 5414, 12th Street and Constitution Ave., NW., Washington, DC 20423

(2) Petitioner's representatives, Eugene D. Gulland, Roger S. Greene, Covington & Burling, 888 Sixteenth Street, NW., Washington, DC 20006

For copies of the full decision write to: Interstate Commerce Commission, Room 2227, Washington, D.C. 20423 or call Toll Free 800–424–5403

Pleadings should refer to Finance Docket No. 29705.

FOR FURTHER INFORMATION CONTACT: Ellen D. Hanson (202) 275–7245.

SUPPLEMENTARY INFORMATION: For further information, see the Commission's decision in Finance Docket No. 29705.

Decided: December 21, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–37175 Filed 12–29–81; 8:45am]

BILLING CODE 7035–01–M

[Permanent Authority Decisions Volume No. 214]

Motor Carriers; Restriction Removals; Decision-Notice

Decided: December 23, 1981.

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.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 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 Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 2202 (Sub-676)X, filed December 16, 1981. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Boulevard, Akron, OH 44310. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, D.C. 20014. Sub 552 certificate (pages 36 and 37, irregular route), broaden points in PA north of a line beginning at the OH–PA State line and extending through Oil City, DuBois, Williamsport, and Scranton, PA, to the PA–NY State line to "points in PA in and north of Mercer, Venango, Clarion, Jefferson, Clearfield, Centre, Clinton, Lycoming, Columbia, Luzerne, Lackawanna, Wayne, and Pike Counties, PA."

MC 85718 (Sub-21)X, filed December 10, 1981. Applicant: SEWARD MOTOR FREIGHT, INC., P.O. Box 126, Seward, NE 68434. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Subs 4, 6, 9F, 11F, 13F, 14F, 15F, and 17F: (1) Broaden Sub 4, pole line transmission materials to "such commodities as are used in the lying or erection of transmission lines"; Subs 6, 9, 15F, and 17F, automotive parts and accessories, Subs 15F, 17F tools, Sub 6, automotive jacks and shock absorbers, Subs 6, 9 automotive cranes, hand, electric and pneumatic tools and materials, equipment and supplies used in the manufacture, production, and distribution thereof to "transportation equipment and machinery; Sub 11, sugar, Sub 13F, bakery products (except frozen); Sub 14F, animal feed to "food and related products"; (2) Subs 4, 6, 9, 11, 13, 14, and 15 broaden to radial authority; (3) remove facilities limitations, Subs 4, 9, 14F, 15F; (4) change to county-wide authority: Seward, NE to Seward County, NE, Subs 4, 6, 9, 15F; Boise, Pocatello and Twin Falls, ID to Ada, Bannock and Twin Falls County, ID, Sub 9; Idaho Falls, ID to Bonneville County, ID, Subs 9 and 11F; Garland, UT to Box Elder County, UT, Sub 11F; Crete and Lincoln, NE to Saline and Lancaster Counties, NE and Billings, MT to Yellowstone County, MT, Sub 14F; Batavia, IL to Kane County, IL, Sub 15F; (5) delete originating at and destined to restriction, Subs 6, 9, 14F; (6) remove exceptions: other than self-propelled, commodities in bulk, in tank vehicles, Subs 6, 9, 14, and the transportation of commodities which because of size or weight require the use of special equipment, Subs 6, 9; frozen, Sub 13F; and (7) remove limitation in bags, Sub 11F.

MC 103051 (Sub-491)X, filed November 27, 1981. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Avenue, North, P.O. Box 90408, Nashville, TN 37209. Representative: Russell E. Stone (same address as applicant). Sub-Nos. 356, 362, 416, 417, 421, 426F, 444F, and 471F certificates, Sub-No. E2 E-letter notice, and No. MC–114106 (Sub-Nos. 16 and 20) certificates, acquired in docket MC–F–11001, (1) broaden to "commodities in bulk," from corn products and blends, from products of corn, cane, and beets, from lard, from vegetable oils, from petroleum and petroleum products, vehicle body sealer, and sound deadner compound, from animal oils, fats and blends, from lacquers, lacquer sealer, enamels, varnishes, stains, thinners, and finishing materials, and from liquid and invert sugar, and blends of liquid sugar and corn syrup, all in bulk; (2) remove restrictions limiting service to transportation of traffic moving only "in tank vehicles"; (3) remove the restriction against transportation of specific commodities (Sub-No. 356); (4) expand facilities and cities to countywide authority: Sub-No. 356, Shelby County, TN (facilities near Memphis); Sub-No. 362, Morgan County, AL (facilities near Decatur); Sub-No. 416, Mecklenburg County, NC (Charlotte); Sub-No. 421, Marion County, IN (Jasper); Sub-No. 426, Adams County, IN (Decatur), and Ford County, IL (Gibson City); Sub-No. 444, Lee and Clay Counties, MS (Tupelo and West Point); Sub-No. 471, Warren County, MS (facilities in Warren County); and MC–114106 (Sub-No. 16), Kent County, MI (Grand Rapids); (5) change from one-way to radial authority; (6) remove "originating at and destined to" restrictions (Sub-Nos. 426 and 471); and (7) remove restrictions prohibiting service at named points involving less-than-countywide, and prohibiting service from and to certain States: Lexington and Salisbury, NC (Sub-No. 356); Alabama (Sub-No. 362); North Carolina (Sub-No. 417); Chattanooga, TN (Sub-No. 444); and Rochester, NY, Jacksonville, IL and points within 5 miles thereof.

Champaign and Chicago, IL, and Columbus and Cincinnati, OH (Sub-No. E2).

MC 112766 (Sub-9)X, filed November 25, 1981. Applicant: JOHN F. COYNE d.b.a. COYNE TRUCKING CO., P.O. Box 549, New Castle, PA 16103. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222. Broaden: (1)(a) lead, to "clay, concrete, glass or stone products" from earthenware and clay products; "metal products" from brass fittings; and "food and related products" from packinghouse products and supplies, dairy products, and fresh and frozen fish; (b) Subs 1 and 5F, to "clay, concrete, glass or stone products, rubber and plastic products, and metal products," from bathroom or lavatory fixtures, and from plumbing supplies, bathroom vanities, and accessories; and (c) Sub 7F, to "rubber and plastic products" from battery boxes and parts; (2) to countywide authority: lead, Clinton County, IN (Frankfort), Beaver County, PA (New Galilee), Columbiana County, OH, (Salem), Summit, Stark and Mahoning Counties, OH (Ashtabula, Conneaut, and Painesville), and Armstrong County, PA (Ford City); lead and Sub 1, Lawrence County, PA (New Castle); and Sub 5, Lawrence County, PA, Columbiana County, OH, and Montgomery and Jasper Counties, IN (facilities at New Castle, PA, Salem, OH, and Crawfordsville and Rensselaer, IN); and (3) to radial authority, lead and Subs 1 and 7.

MC 121742 (Sub-3)X, filed November 30, 1981. Applicant: MISTLETOE TEX-PACK EXPRESS, INC., 702 E. 40th Street, Lubbock, TX 79404. Representative: Austin L. Hatchell, P.O. Box 2023, Austin, TX 78768. Sub-No. 2, remove the restriction relating to shipments weighing more than 500 pounds moving from one consignor at one location to one consignee at one location in any one day.

MC 123226 (Sub-4)X, filed December 11, 1981. Applicant: SUPERIOR CARRIERS, INC., P.O. Box K, Kenvil, NJ 07847. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street, NW., Washington, DC 20005. Subs 1 and 3. Broaden: vegetable oils to "commodities in bulk" in paragraph 1 (Sub 1) and paragraph 7 (Sub 3); salt to "chemicals and related products"; fuller's earth to "ores and minerals"; pumice to "clay, concrete, glass or stone products"; castor beans to "farm products"; linseed cakes to "food and related products"; and from bags to "pulp, paper and related products and rubber and plastic products", in paragraphs 1 and 2 (Sub 3); to points in New Jersey within 40 miles of City Hall, New York, NY, to Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset and Union Counties, NJ (Sub 1) and paragraph 7 (Sub 3); Edgewater to Bergen County, NJ, and New York, Bronx and Queens Counties, NY, in paragraphs 1 and 2 (Sub 3); to radial authority in Sub 1, paragraphs 1 and 2 (Sub 3); and remove in tank vehicles restriction in Sub 1.

MC 125037 (Sub-30)X, filed November 24, 1981. Applicant: DIXIE MIDWEST EXPRESS, INC., P.O. Box 372, Greensboro, AL 36744. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209. Subs 9, 11, 12, 13, 14, 15 and 18 broaden (1) from (a) dry animal and poultry feeds, dry animal and poultry mineral feed mixtures, livestock and poultry feeders, insecticides and related premium and advertising matter to "animal and poultry feed, chemicals and related products, pulp, paper and related products and advertising materials", Sub 9; (b) petroleum resins and synthetic resins to "chemicals and related products and petroleum products", Sub 11; (c) furniture and office furniture parts to "furniture and fixxtures", Sub 12; (d) furniture, toys and games to "furniture and fixtures and recreational equipment": part 1 of Sub 14; (e) packaging boards, blocks and panels of expanded honeycomb to "packaging materials, and pulp, paper and related products" (2) remove in bulk restrictions, Subs 11, 12, 13 and 14; facilities limitations, Subs 11 and 12; (3) city to countywide authority (a) Quincy, IL to Adams County, IL and Lewis and Marion Counties, MO, Sub 9; (b) Moundville, AL to Tuscaloosa and Hale Counties, Sub 11; (c) Leeds, AL to Jefferson, Shelby and St. Clair Counties, Sub 12; (d) Brent, AL to Bibb County, Sub 14; (e) Park Forest South, IL to Cook County and Michigan City, IN to LaPorte and Porter Counties, Sub 15, (4) to radial authority, Sub. 9.

MC 125353 (Sub-3)X, filed December 7, 1981. Applicant: ROCHESTER AIR FREIGHT SERVICE CORPORATION, 73 Deep Rock Road, Rochester, NY 14624. Representative: Robert D. Gunderman, Can-Am Building, 101 Niagara Street, Buffalo, NY 14202. Sub 1 by: (A) broaden general commodities (with usual exceptions) to "general commodities (except Classes A and B explosives)"; (B) eliminate restriction having an immediately prior or subsequent movement by aircraft; and (C) expand to: Rochester, NY, for the Rochester-Monroe County Airport, NY; Newark, NJ for Newark Airport, NJ; Albany, NY, for Albany County Airport, NY; Broome County, NY, for Broome County Airport, NY; Chemung County, NY, for Chemung County Airport, NY; Buffalo, NY, for the Greater Buffalo International Airport, NY; Jefferson County, NY, for Watertown Airport, NY; Oneida County, NY, for Oneida County Airport, NY; Onondaga County, NY, for Clarence E. Hancock Airport, NY; New York, NY for LaGuardia Airport and John F. Kennedy International Airport, NY; St. Lawrence County, NY, for Massena Airport, NY; Tompkins County, NY, for Tompkins County Airport, NY; and Cleveland, OH, for Cleveland-Hopkins Airport, OH.

MC 126660 (Sub-16)X, filed December 10, 1981. Applicant: G & G CARRIERS, INC., 509 Cooper Street, P.O. Box 102, Camden, NJ 08101. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966. Lead permit, broaden (1) to "waste or scrap materials not identified by industry processing" from waste paper and rags, and scrap metals; and (2) to between points in the U.S. under continuing contract(s) with named shipper.

MC 127042 (Sub-309)X, filed December 14, 1981. Applicant: HAGEN, INC., P.O. Box 3208, Sioux City, IA 51102. Representative: Joseph B. Davis, (same address as applicant) Subs 21, 50, 248F and 304, (1) broaden Subs 21, 50, and 248F to "food and related products" from meat and meat products and articles distributed by meat packing houses, described in Sections A and C of 61 M.C.C. 209 and 766, (except hides and commodities in bulk); (2) replace facilities (a) at Le Mars, with Plymouth County, IA in Sub 21; (b) at Sioux Center, with Sioux County, IA in Sub 50; (c) at Carroll, Denison, Iowa Falls, Des Moines, Ft. Dodge, Cherokee, and Sioux City, with Carroll, Crawford, Hardin, Polk, Webster, Cherokee, and Woodbury Counties, IA; and at Omaha and Lincoln, NE with Mills and Pottawattamie Counties, IA, and Douglas, Sarpy and Lancaster, Counties, NE, in Sub 248F; and (3) to radial authority in Subs 21, 50 and 248F.

MC 129857 (Sub-12)X, filed December 9, 1981. Applicant: G.R.M., Inc., d.b.a. PORT TERMINAL TRANSPORT, INC., 700 Henry Ford Ave., Long Beach, CA 90810. Representative: Patricia M. Schnegg, 707 Wilshire Blvd., Ste. 1800, Los Angeles, CA 90017. Sub 4F (part 1) certificate: (a) broaden imported automobiles to "transportation equipment"; (b) change one-way to radial authority; and (c) eliminate in secondary movement and truckaway service restriction.

MC 143112 (Sub-2)X, filed December 16, 1981. Applicant: WESTERN KANSAS EXPRESS, INC., 3833 S. West St., Wichita, KS 67213. Representative: John E. Jandera, P.O. Box 1979, Topeka, KS 66601. Lead certificate (1) authorize service at all intermediate points and (2) expand the off-route point of Lewis, KS to Edwards County, KS.

MC 145067 (Sub-10)X, filed December 14, 1981. Applicant: LAWRENCE E. SPAIDE, INC., Box 111, Avoca, PA 18643. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. Subs 3F, 4F, 5F, 6F, and 8F: (1) broaden: metal castings to "metal products" in Sub 3F; vinyl coated metal sheets to "metal products" in Sub 5F; and fabricated metal products and materials, equipment, and supplies used in the manufacture and distribution of fabricated metal products to "metal products and materials, equipment, and supplies" in Sub 6 (part b); (2) broaden territorial description: Bloomsburg to Columbia County, PA; Defense to Bowie County, TX; Parson to Labette County, KS; Exeter, Kingston, and Hanover Township to Luzerne County, PA; Atlanta to Fulton County, GA; New Orleans to Orleans Parish, LA; Tulsa to Tulsa and Osage Counties, OK; Houston to Harris County, TX; Denver to Denver County, CO; Odessa to Ector County, TX; Melvindale to Wayne County, MI; Addison to DuPage County, IL; St. Louis to St. Louis, MO and St. Louis County, MO; Scranton to Lackawanna County, PA; and Auburn to King County, WA; (3) eliminate the facility limitation in Sub 3F; and (4) remove restrictions against commodities in bulk in Sub 6F, and limiting service to transportation for a named shipper association in Sub 8F.

MC 148275 (Sub-5)X, filed December 18, 1981. Applicant: J. L. MCCOY, INC., P.O. Box 525, Ravenswood, WV 26164. Representative: John M. Friedman, 2930 Putnam Ave., P.O. Box 426, Hurricane, WV 25526. Sub 3 certificate: broaden fabricated metal products, except ordinance to "metal products and materials, supplies and equipment used in the manufacture thereof."

MC 149214 (Sub-4)X, filed November 24, 1981. Applicant: TRANSPORT ASSOCIATES, INC., P.O. Box 68701, Indianapolis, IN 46268. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Broaden: (1) Sub-Nos. 1F and 2F certificates to "electrical machinery, and equipment and supplies used in the manufacture, construction and maintenance thereof," from audio and audio-visual recording and playing systems and accessories and component parts, and from telephone equipment, and materials and supplies used in the manufacture, construction maintenance of telephone; (2) Sub-No. 3 certificate, to "metal products, and automobile parts," from iron and steel castings and automobile parts; and (3) Sub-No. 1, to radial service, and plantsites to countywide authority: Monroe and Marion Counties, IN (facilities at Bloomington and Indianapolis).

MC 149548 (Sub-29)X, filed December 11, 1981. Applicant: D & T TRUCKING CO., INC., P.O. Box 12505, New Brighton, MN 55112. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. No. MC-117644 Subs-46 and 54F permits, broaden to between points in the U.S., under continuing contract(s) with named shippers.

[FR Doc. 81-37180 Filed 12-29-81; 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 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. OPI-326

Decided: December 15, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating in part.)

MC 159581, filed December 7, 1981. Applicant: TRANS CARGO, INC., P.O. Box 1019, Turnersville, NJ 08012. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107 (215) 735-3090. As a *broker* of *general commodities* (except household goods), between points in the U.S.

Volume No. OPY-2-246

Decided: December 16, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 153013 (Sub-3), filed December 4, 1981. Applicant: RONNEY L. ROGERS, d.b.a. R. L. ROGERS TRUCKING, Rt. 1 B 1724, Clatskanie, OR 97016. Representative: Lawrence V. Smart, Jr.,

419 NW. 23rd Ave., Portland, OR 97210, 503–226–3755. 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.

MC 159533, filed December 3, 1981. Applicant: LINDA M. FUSON AND EDWARD D. BOLIN d.b.a. PIONEER EXPRESS, Rt. No. 2, Box 102, Crossville, TN 38555. Representative: Linda M. Fuson (same address as applicant), 615–484–6978. 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.

MC 159543, filed December 3, 1981. Applicant: LAURENCE R. FAST, 2446 N. Hoover, Wichita, KS 67205. Representative: Laurence R. Fast (same address as applicant); 316–942–4416. 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.

MC 159582, filed December 7, 1981. Applicant: JAMES M. JOHNSON, P.O. Box 70, Woodland, WA 98674. Representative: Lawrence V. Smart, Jr., 419 NW. 23rd Ave., Portland, OR 97210, 503–226–3755. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 159583, filed December 7, 1981. Applicant: JOHN J. DOUGHERTY, JR. and VINCENT T. KELLY, d.b.a. J & V ASSOCIATES, R. D. No. 2–402A, Bordentown, NJ 08505. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110–1097, 215–561–1030. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OPY–2–247

Decided: December 17, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 1263 (Sub-43), filed November 30, 1981. Applicant: McCARTY TRUCK LINE, INC., 17th and Harris, Trenton, MO 64683. Representative: James M. McCarty (same as applicant), (816) 359–2253. 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.

MC 59583 (Sub-168), filed December 1, 1981. Applicant: THE MASON AND DIXON LINES, INCORPORATED P.O. BOx 969, Kingsport, TN 37662. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014, (301) 986–1410. Transporting *general commodities* (except classes A and B explosives and household goods), between Bolivar, TN, on the one hand, and, on the other, points in the U.S.

Note.—(1) The purpose of this application is to substitute motor-carrier for abandoned rail-carrier service; and (2) Applicant intends to tack this authority with existing regular-route authority.

Volume No. OPY–4–489

Decided: December 16, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 159627, filed December 10, 1981. Applicant: TRANSPORTERS, INC., 225 W. 34th St., Suite 2001B, New York, NY 10001. Representative: C. Jack Pearce, Suite 1200, 1000 Connecticut Ave., N.W., Washington, DC 20036, (202) 785–0048. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 159657, filed December 11, 1981. Applicant: NJS ASSOCIATES, 80 E. Claybourne Ave., Salt Lake City, UT 84115. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110, (801) 531–1777. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OPY–4–491

Decided: December 21, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 159636, filed December 7, 1981. Applicant: JERRY YORK, d.b.a. YORK TRUCK BROKERAGE, 100 Tower Rd., Cumming, CA 31030. Representative: Jerry York (same address as applicant) (404) 889–0110. Transporting (1) *general commodities* (except household goods, commodities in bulk, and classes A and B explosives), between Cumming, Alpharetta, Roswell, Marietta, Dawsonville, and Gainesville, GA, on the one hand, and, on the other, points in the U.S., and (2) As a *broker of general commodities* (except household goods, between points in the U.S.

MC 159686, filed December 10, 1981. Applicant: SRS INTERNATIONAL INC., 530 Drake Ave., Bronx, NY 10474. Representative: John A. Fusco (same address as applicant), (914) 723–0868. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OPY–3–326

Decided: December 23, 1981.

By the Commission, Review Board No. 2, Members Carleton, Werner, and Williams.

MC 61335 (Sub-17), filed December 14, 1981. Applicant: TRANS-BRIDGE LINES, INC., P.O. Box 146, Phillipsburg, NJ 08865. Representative: W. C. Mitchell, 370 Lexington Ave., New York, NY 10017, (202) 532–5100. 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.

MC 159645, filed December 10, 1981. Applicant: SUNBELT BROKERAGE a division of SUNBELT DELIVERY, INC., P.O. Box 201044, Dallas, TX 75220. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062, (214) 255–6279. As a *broker of general commodities* (except household goods), between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–37174 Filed 12–29–81; 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. OPY-2-248

Decided: December 17, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

FF-82 (Sub-7), filed December 1, 1981. Applicant: COAST CARLOADING CO., 2100 Alhambra Ave., Los Angeles, CA 90031. Representative: Gary W. Wigand, 13031 San Antonio Dr., Suite 214, Norwalk, CA 90650, (213) 863-8818. As a freight forwarder, in connection with the transportation of *general commodities* (except classes A and B explosives), between points in the U.S.

MC 57412 (Sub-3), filed December 1, 1981. Applicant: MILTON TRADING CORPORATION, 200 Frontage Rd., Boston, MA 02118. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108 (617) 742-3530. Transporting *general commodities* (except classes A and B explosives), between points in CT, ME, MA, NH, NJ, NY, PA, RI, and VT. Condition: Coincidental cancellation of applicant's Certificate of Registration No. MC-57412 Sub 2.

MC 107522 (Sub-7), filed November 30, 1981. Applicant: PEAK TRANSFER CO., INC., 57 Hathaway St., Wallington, NJ 07057. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123 (212) 239-4610. Transporting *printed matter and paper and related products*, between points in the U.S. Condition: Coincidental cancellation of applicant's permits under MC-107522 Sub-No. 4, issued May 26, 1981, and Sub-No. 5X, issued July 2, 1981.

Note.—This application is a conversion from contract to common carrier authority.

MC 141932 (Sub-50), filed November 24, 1981. Applicant: POLAR TRANSPORT, INC., 176 King St., Hanover, MA 02339. Representative: Alton C. Gardner, (same address as applicant) 617-871-2550. Transporting *casual furniture, facial cleansing tissue, lighting fixtures, paper napkins, paper towels, plastic articles, printing paper, pulpboard, sanitary pads, soap-impregnated paper, toilet tissue, wrapping paper and related articles*, between the facilities of Scott Paper Company, at points in the U.S. on the one hand, and, on the other, points in the U.S.

MC 150062 (Sub-3), filed November 24, 1981. Applicant: MORTON TRUCKING CO., INC., P.O. Box 663, Radcliff, KY 40160. Representative: Raymond L. Powell (same address as applicant) 502-351-4945. Transporting *iron and steel articles, material handling equipment, machinery and parts, materials and supplies* used in the manufacture, distribution and installation of all the foregoing commodities, between points in the U.S. (except AK and HI).

MC 151072 (Sub-2), filed November 16, 1981. Applicant: NORTH CANTON TRANSFER CO., 7836 Freedom Ave., North Canton, OH 44720. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215; 614-464-4103. Transporting *chemicals and allied products*, between points in WV, PA, and OH.

MC 151342 (Sub-2), filed November 30, 1981. Applicant: CITY-WIDE CARTAGE CONTRACT CARRIER, INC., 3317 McKinley Ave., Des Monines, IA 50321. Representative: Kenneth Gilliam (same address as applicant) (515) 287-7171. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S.

MC 151452, filed November 24, 1981. Applicant: THOMAS J. BRESSLER, d.b.a. HAWK TRANSPORTATION CO., 324 Union St., Oakland, CA 94607. Representative: Robert G. Harrison, 4299 James Dr., Carson City, MN 89701 (702) 882-5649. Transporting *general commodities* (except classes A and B explosives), between points in CA, NV, OR, and WA.

MC 157962 (Sub-1), filed November 30, 1981. Applicant: CANFIELD TRUCKING, P.O. Box 413, Livingston, MT 59047. Representative: Matt Canfield (same address as applicant) (406) 222-2109. Transporting *lumber and wood products*, between points in Wheatland County, MT, on the one hand, and, on the other, points in MT, ID, UT, WY, CO, NM, TX, ND, SD, NE, KS, OK, MN, IA, MS, AR, WI, IL, MI, IN, and OH.

MC 159303, filed November 30, 1981. Applicant: TWO WAY TRANSPORTATION, LTD., 2527 N. Carson St., Ste. 205, Carson City, NV 89701. Representative: A. R. Fairman (same address as applicant) (702) 883-8695. Transporting *satellite earth stations and related parts*, between points in the U.S., under continuing contract(s) with National Microtech, Inc., of Frenada, MS.

Volume No. OPY-4-488

Decided: December 16, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 129537 (Sub-62), filed December 7, 1981. Applicant: REEVES TRANSPORTATION CO., Rt. 5, Dew's Pond Rd., Calhoun, GA 30701. Representative: John C. Vogt, Jr., 406 N. Morgan St., Tampa FL 33602 (813) 229-6165. Transporting *such commodities* as are dealt in by grocery and food business houses, between points in AL, AZ, AR, CA, CO, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NJ, NM, NY, NC, ND, OH, OK, OR, PA, TN, TX, UT, VA, and WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 129537 (Sub-63), filed December 7, 1981. Applicant: REEVES TRANSPORTATION CO., Rt. 5, Dew's Pond Rd., Calhoun, GA 30701. Representative: John C. Vogt, Jr., 406 N. Morgan St., Tampa, FL 33602, (813) 229-6165. Transporting (1) *paper and related products*, (2) *furniture and fixtures*, and (3) *plastic products*, between points in AL, AR, CA, CO, DE, FL, GA, IL, IN, IA, KS, ME, MA, MI, MN, MO, NJ, NY, OH, OK, OR, PA, SC, TN, TX, VA, WA, and

WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 141187 (Sub-23), filed October 19, 1981, previously noticed in the **Federal Register** issue of November 16, 1981, and republished this issue. 1981. Applicant: BLUFF CITY TRANSPORTATON, INC., P.O. Box 18391, Memphis, TN 38118. Representative: Elmer Kernan (same address as applicant), (901) 396–2201. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with United Forwarding, Inc., of Omaha, NE.

Note.—The purpose of this republication is to authorize the transportation of bulk commodities.

MC 144757 (Sub-18), filed December 8, 1981. Applicant: DAKOTA PACIFIC TRANSPORT, INC., 3104 E. St. Patrick, Rapid City, SC 57701. Representative: J. Maurice Andren, 1734 Sheridan Lake Rd., Rapid City, SD 57701, (605) 343–4036. Transporting (a) 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., (b) *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., and (c) *general commodities*, between (1) Tea, Lennox, Naomi, Davis, Viborg, and Irene, SD; (2) Diggs, Fox Creek and Victor, ID, (3) Elsinore, Alberhill, Arcilla, Weisel and South Corona, CA, (4) Clarinda and Hepburn, IA, (5) Arm, Oakvale, Hathorn, Goss and Walton Spur, MS, (6) Glasgow Air Base, MT, (7) Fairman, Patoka, Vernon, Shobonier, Vera, Hanson, Oconee and Dunkel, IL, (8) Keystone, Matthews, and Great Bend, ND, (9) Sherwood, Casselton, Bradford and Lombardville, IL, (10) Wayland, Kahoka, Granger, Arbela, Memphis, Downing and Lancaster, MO, (11) Mound City and Maitland, MO, (12) Shubert and Maitland, NE, (13) Allen's Spur and Brisbin, MT, (14) Port Gibson, Russum, Lorman, Harriston, McNair, Hamburg, White Apple, Franklin, Knoxville, Rosetta, Crosby, and Fayette, MS, (15) Good Roads, Sentell Spur, Belcher, Gilliam and Hosston, LA, (16) Three Lakes, Clearwater Lake, Eagle River, Conover and Land of Lakes, WI, (17) Irwin and Harlan, IA, (18) Vesper, Opal, Stratford, Fenwood, Edgar, Marathon City, WI, (19) McNaughton, Lake Tomahawk, Woodruff, Lac du Flambeau, Powell, Manitowish, Mercer, Van Buskirk, Cedar, Odanah, Ashland Junction, Barksdale and Washburn, WI, (20) Nelson, NE, and (21) Rosedale, Beulah, Lobdell, Benoit, Lake Vista, Scott, Lamont, Winterville and Greenville AFB, MS, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor common carrier for abandoned rail service.

MC 155997 (Sub-2), filed December 10, 1981. Applicant: C & W FREIGHT SERVICES, INC., P.O. Box 311, Park Ridge, NJ 07656. Representative: Anthony T. Csaszar (same address as applicant), (201) 385–4588. Transporting (1) *food and related products*, (2) *rubber and plastic products*, (3) *metal products*, (4) *machinery*, and (5) *printed matter*, between Washington, DC, and points in PA, NC, SC, GA, WV, FL, OH, MI, IN, IL, and MO.

MC 149417 (Sub-3), filed December 8, 1981. Applicant: SPARK, INC., 10 East Oregon Ave., Philadelphia, PA 19148. Representative: H. Kirk House, 135 N. Fourth St., Philadelphia, PA 19106, (215) 627–1923. Transporting *such commodities* as are dealt in or used by department stores, between Philadelphia, PA and New York, NY, on the one hand, and, on the other, points in PA, NJ, DE, MD, and DC.

MC 159637, filed December 10, 1981. Applicant: SHIPPERS FREIGHT LINES, INC., P.O. Box 1547, Salisbury, NC 28144. Representative: Robert L. Bare (same address as applicant), (704) 372–8462. Transporting *general commodities* (except classes A and B explosives and household goods), between points in GA, NC, SC, and VA.

MC 159667, filed December 11, 1981. Applicant: EXECUTIVE SALES PROMOTION, INC., 7C Aylesbury Rd., Timonium, MD 21093. Representative: John C. Bradley, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209, (703) 522–0900. To operate as a broker, at Timonium, MD, in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of *passengers and their baggage*, in special and charter operations, (a) between points in MD, VA, DE, and DC, and (b), between points in MD, VA, DE, and DC, on the one hand, and, on the other, points in NC, WV, PA, NJ, and NY.

Volume No. OPY–4–493.

Decided: December 21, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Fisher not participating.)

MC 37896 (Sub-54), filed December 14, 1981. Applicant: YOUNGBLOOD TRUCK LINES, INC., P.O. Box 1048, Fletcher, NC 28732. Representative: Charles Ephraim, 406 World Center Bldg., 918 16th St., N.W., Washington, DC 20006, (202) 833–1170. Transporting *plastic products*, between points in the United States, under continuing contract(s) with 20th Century Plastics, Inc., of Los Angeles, CA.

MC 121666 (Sub-4), filed December 14, 1981. Applicant: S & D TRUCKING CO., INC., P.O. Box 908, Dyersburg, TN 38024. 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), (1) between points in Crockett, Dyer, Gibson, Haywood, Lake, Lauderdale, Madison, Obion, Shelby, and Tipton Counties, TN, and (2) between points in (1) above, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, MD, ME, MA, MI, MS, MO, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TX, VT, VA, WV, WI, and DC.

MC 145696 (Sub-6), filed December 14, 1981. Applicant: SILLIMAN BROS. FREIGHT CO., INC., Rt. 2, Box 10–A, Bernie, MO 63822. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105, (314) 727–0777. Transporting *liquid propane*, between points in Stoddard County, MO, on the one hand, and, on the other, points in TN, AR and KY. Condition: To the extent the certificate granted in this proceeding authorizes the transporation of classes A and B explosives, it shall be limited to point of time to a period expiring 5 years from its date of issue.

MC 153396 (Sub-3), filed December 14, 1981. Applicant: ANTHONY D. SOSEBEE, 5211 Mitchell Bridge Road, Dalton, GA 30720. Representative: Anthony D. Sosebee (same address as applicant), (404) 259–6314. Transporting *general commodities* (except classes A and B explosives) between points in the U.S.

MC 156736 (Sub-1), filed December 15, 1981. Applicant: ROX RIVER TRUCKING, INC., 4301 W. Ramsey, Greendale, WI 53129. Representative: Richard A. Kerwin, 180 No. La Salle St., Chicago, IL 60601–2697, (312) 332–5106. Transporting *paper, paper products and printed matter*, between points in Waukesha County, WI, on the one hand, and, on the other, Chicago, IL.

MC 156826, filed December 14, 1981. Applicant: SECURED RESOURCE TRANSPORT, INC., 12486 S.E. 93rd, Clackamas, OR 97015. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210; (503) 226–3755. Transporting *waste materials and hazardous waste materials*, between points in OR and WA.

MC 159706, filed December 15, 1981. Applicant: BRANDON BUS SERVICE, INC., 1211 Hull St., Chesapeake, VA

23324. Representative: Newton L. Brandon (same address as applicant) (804) 461–0729. Transporting *passengers and their baggage*, in charter and special operations, between points in VA, on the one hand, and, on the other, points in the U.S.

MC 159726, filed December 15, 1981. Applicant: CHERRY BUS SERVICE, 964 Pollard St., Norfolk, VA 23504. Representative: Joseph B. Cherry (same address as applicant) (804) 622–2990. Transporting *passengers and their baggage*, in charter and special operations, between points in VA, on the one hand, and, on the other, points in the U.S.

Volume No. OPY–4–494

Decided: December 21, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 21436 (Sub-9), filed December 15, 1981. Applicant: RELIANCE VAN COMPANY, INC., 215 West 2nd Ave., Conshohocken, PA 19428. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Suite 1200, Washington, DC 20036; (202) 785–0024. Transporting *household goods*, (1) between points in MA, CT, RI, NY, NJ, PA, MD, DE, VA, NC, SC, GA, FL, and DC, and (2) between points in MA, CT, RI, NY, NJ, PA, MD, DE, VA, NC, SC, GA, FL, and DC, on the on hand, and, on the other, points in ME, NH, VT, OH, VA, AL, KY, TN, WV, IN, IL, MI, WI, and MS.

MC 47786 (Sub-7), filed December 15, 1981. Applicant: ROSSMEYER & WEBER, INC. d.b.a. RARITAN VALLEY BUS SERVICE, Box 312, Netuchen, NJ 08040. Representative: Robert E. Goldstein, 370 Lexington Ave., New York, NY 10017; (212) 532–5181. Transporting *passengers*, in charter operations, (1) between points in Monmouth and Somerset Counties, NJ, on the one hand, and, on the other, points in the U.S., (2) between Union and Middlesex Counties, NJ, on the one hand, and, on the other, points in the U.S. (except CT, MD, MA, NJ, NY, OH, PA, and DC), and (3) between New York, NY, on the one hand, and, on the other, points in the U.S. (except NH, MA, RI, CT, NY, NJ, DE, PA, OH, NE, MD, and DC).

MC 74416 (Sub-33), filed December 11, 1981. Applicant: LESTER M. PRANGE, INC., Box 1, Kirkwood, PA 17536. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., NW., Washington, DC 20005; (202) 296–3555. Transporting *lumber and wood products*, between points in MA, CT, NJ, and DE, on the one hand, and, on the other, points in VA, DE, MD, PA, NY, OH, CT, ME, and MA.

MC 133836 (Sub-1), filed December 11, 1981. Applicant: E. H. HAMILTON TRUCKING & WAREHOUSING SERVICE, INC., 105 S. Denny St., Indianapolis, IN 46201. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240; (317) 846–6655. Transporting *furniture, fixtures, appliances, and carpeting*, between points in IN, OH, KY, and IL.

MC 142096 (Sub-21), filed December 16, 1981. Applicant: MILLER BROS. TRUCKING COMPANY, INC., 4100 West Mitchell St., Milwaukee, WI 53215. Representative: James A. Speigel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719; (608) 273–1003. Transporting *empty containers*, between Minneapolis, MN, on the one hand, and, on the other, points in IA, IL, IN, MI, ND, NE, SD, and WI.

MC 156326 (Sub-2), filed December 11, 1981. Applicant: BARRY NELSON, d.b.a. B. J. NELSON TRANSPORTATION, 3700 Adams St., Lincoln, NE 68504. Representative: Rick A. Rude, Suite 611, 1730 Rhode Island Ave., N.W., Washington, DC 20036; (202) 223–5900. Transporting *food and related products*, between Oakland, San Francisco, San Diego, and Los Angeles, CA, Portland, OR, Houston, Galveston, Laredo, El Paso, and Corpus Christi, TX, New Orleans, LA, Biloxi and Gulfport, MS, Mobile, AL, Pensacola, Tampa, Ft. Lauderdale, W. Palm Beach, Miami, and Jacksonville, FL, Savannah, GA, Charleston, SC, Wilmington, NC, Norfolk and Newport News, VA, Baltimore, MD, Detroit, MI, Philadelphia, PA, Camden, Elizabeth, and Newark, NJ, Portsmouth, NH, Seattle, Tacoma, and points in Whatcom County, WA, New York, Buffalo, and points in Clinton County, NY, Providence and points in Kent County, RI, Boston, and points in Essex and Bristol Counties, MA, and Portland and points in the Waldo County, ME, on the one hand, and, on the other, point is the U.S.

Volume No. OPY–4–496

Decided: December 22, 1981.

By the Commission, Review Board No. 2, Members Carleton, Werner, and Williams. (Member Williams not participating.)

MC 4687 (Sub-31), filed December 15, 1981. Applicant: BURGESS & COOK, INC., 21 N. Second St., Fernandina Beach, FL 32034. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202; (904) 632–2300. Transporting (a) *pulp, paper and related products*, and *rubber* and *plastic products*, between points in AL, GA, FL, MS, LA, SC, NC, VA, and TN, and (b) *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in FL and GA.

MC 28307 (Sub-32), filed December 15, 1981. Applicant: FREDRICKSON MOTOR EXPRESS CORPORATION, 3400 Graham St., Charlotte, NC 28206. Representative: Robert D. Hoagland, 1204 Cameron Brown Bldg., Charlotte, NC 28204; (704) 333–8801. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in NC and SC.

MC 96687 (Sub-1), filed December 10, 1981. Applicant: MORRELL TRANSFER, INC., 809 Jackdon Ave., Elk River, MN 55330. Representative: Timothy H. Butler, 4200 IDS Center, 80 South 8th St., Minneapolis, MN 55402; (612) 371–3211. Transporting *general commodities* (except classes A and B explosives) between Minneapolis-St. Paul, MN, on the one hand, and on the other points in Sherburne, Benton, Mille Lacs, Isanti, and Anoka Counties, MN.

MC 159697, filed December 15, 1981. Applicant: UNITED TRANSFER, INC., P.O. Box 165, Hwy. 61–67, Imperial, MO 63052. Representative: Marion David Cox, Jr. (same address as applicant); (314) 464–5171. Transporting *general commodities* (except classes A and B explosives and household goods), between points in MO, on the one hand, and, on the other, points in the U.S. (except AK, HI, NH, ND, VT, RI, SD, and DE).

MC 29957 (Sub-96), filed December 14, 1981. Applicant: TRAILWAYS SOUTHERN LINES, INC., 327 Gayoso, Memphis, TN 38103. Representative: Rebecca Patton, 1500 Jackson St., Suite 422, Dallas, TX 75201; (214) 655–7796. Over regular routes, transporting *passengers and their baggage, express and newspapers*, in the same vehicle with passengers, between Beaumont, TX and Lake Charles, LA, over Interstate Hwy 10, serving all intermediate points.

Note.—Applicant intends to tack the authority herein with its presently held operating rights.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–37173 Filed 12–29–81; 8:45 am]

BILLING CODE 7035–01–M

NATIONAL CREDIT UNION ADMINISTRATION

Privacy Act of 1974: Systems of Records, Annual Publication

AGENCY: National Credit Union Administration (NCUA).

ACTION: Notice of Annual Publication of Systems of Records.

SUMMARY: In accordance with 5 U.S.C. 552a(e)(4), NCUA publishes its systems of records as currently maintained by the agency.

ADDRESS: National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Beatrix Fields, Attorney-Advisory, Office of General Counsel, at the above address, or telephone, (202) 357–1030.

SUPPLEMENTARY: Pursuant to 5 U.S.C. 552a(e)(4), the National Credit Union Administration (NCUA) hereby publishes its systems of records as currently maintained by the agency. These systems were last published in the **Federal Register** at 45 FR 2778 through 2787 on January 14, 1980. Public notice of a new system of records was made in the **Federal Register** at 45 FR 85232 on December 24, 1980.

Editorial changes were made to clarify certain system notices, but none of these alterations are substantive so as to require prior notice and comment period.

By the National Credit Union Administration Board on December 24, 1981.

(Section 3, 88 Stat. 1897 (5 U.S.C. 552))

Rosemary Brady,

Secretary of the Board.

Table of Contents

List of Systems

1. Employee Security Investigations Containing Adverse Information, NCUA.
2. Security Clearance Records of Personnel Occupying Sensitive Positions, NCUA.
3. Payroll Records System, NCUA.
4. Verified Employee Mailing List, NCUA.
5. Travel Advance and Voucher Information System, NCUA.
6. New Examiner Training Files, NCUA.
7. Region I Employee Development/Correspondence Records, NCUA.
8. Region II Employee Development/Correspondence Records, NCUA.
9. Region III Employee Development/Correspondence Records, NCUA.
10. Region IV Employee Development/Correspondence Records, NCUA.
11. Region V Employee Development/Correspondence Records, NCUA.
12. Region VI Employee Development/Correspondence Records, NCUA.
13. Retirement File, NCUA.
14. Emergency Information (Employee) File, NCUA.
15. Employee Injury File, NCUA.
16. Investigative Reports Involving Possible Felonies and/or Violations of the Federal Credit Union Act, NCUA.
17. Breach of Trust Statement; Nonfederal Credit Union/Share Insurance Applicants, NCUA.
18. Adverse Reports of Officials; Federal Credit Union Charter Applicants, NCUA.
19. Acquired Assets and Share Payouts Records System, NCUA.
20. Member Accounts, Credit Unions Closed for Involuntary Liquidation, NCUA.
21. Trusteed Account Records System, NCUA.
22. Investigation Files, NCUA.
23. Consumer Complaints Against Federal Credit Unions, NCUA.
24. Litigation Case Files, NCUA.
25. Grievance Records, NCUA.

Note.—See Appendixes for general "routine uses" applicable to each system of records and for a listing of the locations of NCUA regional offices.

NCUA–1

SYSTEM NAME:

Employee Security Investigations Containing Adverse Information, NCUA.

SYSTEM LOCATION:

Office of Administration, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NCUA employees on whom a routine Office of Personnel Management (OPM) security investigation has been conducted, the results of which contain adverse information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Police records and/or information on moral character, integrity, or loyalty to the United States.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Records maintained pursuant to OPM requirements. A separate notice is published because these records are maintained separately to provide extraordinary safeguards against unwarranted access and disclosures.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Records are reviewed by the NCUA Security Officer. If the records are determined to be of a substantive nature, they are forwarded to the NCUA Board for whatever action, if any, is deemed necessary. (2) Standard routine uses as set forth in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on paper hard copy.

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Records are maintained in a separate, locked room which is accessible only to the Security Officer and his designated assistants. The records are further secured in a locked safe accessible only to the Security Officer and his designated assistants.

RETENTION AND DISPOSAL:

Once disposition, if any, has been made, a record is maintained until the individual whom it concerns has left the employ of NCUA, whereupon it is either returned to the originating agency or destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Security Officer, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the system manager listed above. If there is no record on the individual, the individual will be so advised.

RECORD ACCESS PROCEDURES:

Upon request, the system manager will set forth the procedures for gaining access to available records.

CONTESTING RECORD PROCEDURES:

Requests to amend or correct a record should be directed to the system manager listed above.

RECORD SOURCE CATEGORIES:

Adjudication Branch, Division of Personnel Investigation, OPM; Federal Bureau of Investigation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

In addition to any exemption to which this system is subject by Notices published by or regulations promulgated by the OPM, the system is subject to a specific exemption pursuant to 5 U.S.C. 552a(k)(5) to the extent that disclosures would reveal a source who furnished information under an express promise of confidentiality, or prior to September 27, 1975, under an express or implied promise of confidentiality.

NCUA–2

SYSTEM NAME:

Security Clearance Records of Personnel Occupying Sensitive Positions, NCUA.

SYSTEM LOCATION:

Office of Administration, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Background investigations on individuals to determine fitness for security clearance. Information consists chiefly of records of interviews conducted by the Office of Personnel Management (OPM) and the Federal Bureau of Investigation (FBI) officials with parties acquainted with the individual under investigation. Interview questions concern character, integrity and loyalty to the United States.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 44 U.S.C. 3301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Information is used to determine fitness for security clearance. (2) Standard routine uses as set forth in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are in the form of paper hard copy.

RETRIEVABILITY:

The system is indexed by name.

SAFEGUARDS:

Records are maintained in a separate, locked room accessible only to the Security Officer and his designated assistants.

RETENTION AND DISPOSAL:

Records are maintained until the individual leaves the employ of NCUA, whereupon they are returned to the originating agency.

SYSTEM MANAGER(S) AND ADDRESS:

Security Officer, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the system manager listed above. If there is no record on the individual, the individual will be so advised.

RECORD ACCESS PROCEDURE:

Upon request, the system manager will set forth the procedures for gaining access to available records.

CONTESTING RECORD PROCEDURES:

Requests to amend or correct a record should be directed to the system manager listed above.

RECORD SOURCE CATEGORIES:

FBI; Division of Personnel Investigation, OPM; Central Intelligence Agency.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is subject to a specific exemption pursuant to 5 U.S.C. 552a(k)(5) to the extent that disclosure would reveal a source who furnished information under an express promise of confidentiality, or prior to September 27, 1975, under an express or implied promise of confidentiality.

NCUA-3

SYSTEM NAME:

Payroll Records System, NCUA.

SYSTEM LOCATION:

(1) Division of Financial Operations, Office of Administration, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

(2) General Services Administration, Region VI, Kansas City, Missouri.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of NCUA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Salary and related payroll data, including time and attendance information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 703; 44 U.S.C. 3301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Information is used to ensure proper compensation to all NCUA employees and to formulate financial reports and plans used within the agency or is sent to the General Services Administration (GSA). (2) Also, information is used to document time worked and provide a record of attendance to support payment of salaries and use of annual, sick, and nonpaid leave. (3) Users of the time and attendance information include the employee's supervisor, the office's timekeeper, the payroll officer, and the GSA National Payroll Center in Kansas City, Missouri. (4) Further, information in this system is used to make reportings to state and local taxing authorities. (5) Standard routine uses set forth in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on computer tape, paper hard copy and microfilm.

RETRIEVABILITY:

Records are retrieved by name or social security number.

SAFEGUARDS:

Records are maintained in secured offices, accessible by written authorization only.

RETENTION AND DISPOSAL:

Records are retained and disposed in accordance with GSA policy.

SYSTEM MANAGER(S) AND ADDRESS:

(1) Primary: Payroll Officer, Division of Financial Operations, Office of Administration, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456; (2) Secondary: Office Timekeepers, National Credit Union Administration, Central Office (1776 G Street, N.W., Washington, D.C. 20456) and Regional Offices (see Appendix B for Regional Offices' addresses).

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the system manager listed above. If there is no record on the individual, the individual will be so advised.

RECORD ACCESS PROCEDURE:

Upon request, the system manager will set forth the procedures for gaining access to available records.

CONTESTING RECORD PROCEDURES:

Requests to amend or correct a record should be directed to the system manager listed above.

RECORD SOURCE CATEGORIES:

Information is primarily obtained from the individual whom the record concerns, the Office of Personnel Management, and the GSA. Also, time and attendance information is prepared and submitted by the timekeeper in a given employee's office.

NCUA-4

SYSTEM NAME:

Verified Employee Mailing List, NCUA.

SYSTEM LOCATION:

(1) Office of Administration, National Credit Union Administration, 1776 G Street NW., Washington, D.C. 20456.

(2) Contractor's Address: Mail America, Bumpy Oak Road, Bryan's Road, Maryland.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NCUA Employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains the following information for each employee: name, address, telephone number, birthdate, ethnic and sex codes, GS grade, employee type, and employee identification number. The contractor is provided a tape containing all employees' names, addresses, employee numbers, regional locations, and GS grades.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Information is used to produce mailing labels and make reportings to the EEO Director and other NCUA employees with an official need for a listing of NCUA employees. (2) Also, the information is used to generate an NCUA telephone directory for distribution to all NCUA employees. (3) Standard routine uses as set forth in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in computer magnetic disc storage.

RETRIEVABILITY:

Records are maintained by employee identification number.

SAFEGUARDS:

Accessibility is limited to specific written requests. The file itself is password protected.

RETENTION AND DISPOSAL:

Information is maintained on active, returned and deceased employees for an indefinite period of time.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Administration, National Credit Union Administration, 1776 G Street NW., Washington, D.C. 20456.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the system manager listed above. If there is no record on the individual, the individual will be so advised.

RECORD ACCESS PROCEDURE:

Upon request, the system manager will set forth the procedures for gaining access to available records.

CONTESTING RECORD PROCEDURES:

Requests to amend or correct a record should be directed to the system manager listed above.

RECORD SOURCE CATEGORIES:

NCUA Form 1042 is completed for each new employee by personnel staff or the regional office manager. Form 1051 is completed by same to report changes.

NCUA-5

SYSTEM NAME:

Travel Advance and Voucher Information System, NCUA.

SYSTEM LOCATION:

Division of Financial Operations, Office of Administration, 1776 G Street NW., Washington, D.C. 20456.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All professional and semiprofessional NCUA employees who have traveled in the course of performing their duty and who have been reimbursed for the expense of such travel.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains information from the following forms: Travel Vouchers (NCUA 1012), Reimbursement for COS Expenses (NCUA 1302), Authorization of Moving and Related Travel Expenses for COS (NCUA 11301), Travel Orders (NCUA 1500), Suspension Statements (NCUA 1311), Application for Advance of Funds (NCUA 1399), and Travel Voucher Cover Sheet (NCUA 1364).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5701–5752; Executive Order 11609 (July 22, 1971); Executive Order 11012 (March 27, 1962); 5 U.S.C. 4401–4118; Federal Travel Regulations, FPMR 101–7, Chapter 2, Section 6.3.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Records are used to provide documentary support for reimbursements to employees for on-the-job travel expenses. (2) Users of the information include first and second line supervisors, NCUA accounting staff and budgeting staff. (3) Standard routine uses as set forth in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in paper hard copy form and in an on-line ADP system.

RETRIEVABILITY:

Records are retrievable by social security number.

SAFEGUARDS:

The paper hard copy records are maintained in secured offices. The computer disc is located in a secured office and its access is limited to three user employees who know the logical identification access number.

RETENTION AND DISPOSAL:

Records are maintained in the Division of Financial Operations until the annual GAO audit is completed. After the audit, the paper hard copy records are stored in a Federal Records Center for a minimum of three years and the computer disc is purged.

SYSTEM MANAGER(S) AND ADDRESS:

Accounting Officer, Division of Financial Operations, Office of Administration, National Credit Union Administration, 1776 G Street NW., Washington, D.C. 20456.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the system manager listed above. If there is no record on the individual, the individual will be so advised.

RECORD ACCESS PROCEDURES:

Upon request, the system manager will set forth the procedures for gaining access to available records.

CONTESTING RECORD PROCEDURES:

Requests to amend or correct a record should be directed to the system manager listed above.

RECORD SOURCE CATEGORIES:

Records are prepared by the individual whom the record concerns.

NCUA-6

SYSTEM NAME:

New Examiner Training Files, NCUA.

SYSTEM LOCATION:

(1) Division of Personnel and Training (DOPT), Office of Administration, National Credit Union Administration, 1776 G Street NW., Washington, D.C. 20456.

(2) Regional office where new employee is assigned. (See Appendix B for regional offices' locations.)

(3) Office of Examination and Insurance (EI) and Office of Consumer Affairs (CA), National Credit Union Administration, 1776 G Street NW., Washington, D.C. 20456. At the end of the training period in the region, either EI or CA transfers the records to the DOPT.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NCUA examiners, from entry level to one year on staff.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biweekly training reports, training progress reports, on-the-job trainers' evaluations of class room training, trainees' evaluations of training program.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 4101–4118.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Information is used to determine retention or termination of a new examiner after 23 weeks of on-the-job training. (2) Standard routine uses as set forth in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on paper hard copy.

RETRIEVABILITY:

Records are retrievable by employee name.

SAFEGUARDS:

Records are maintained in metal file cabinets in secured offices of each regional office and in secured offices in the Washington central offices.

RETENTION AND DISPOSAL:

Records are purged annually for those employees no longer participating in the program.

FCC/OMD–4

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Personnel and Training, Office of Administration, National Credit Union Administration, 1776 G Street, NW., Washington, D.C. 20456.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the system manager listed above. If there is no record on the individual, the individual will be so advised.

RECORD ACCESS PROCEDURES:

Upon request, the system manager will set forth the procedures for gaining access to available records.

CONTESTING RECORD PROCEDURES:

Requests to amend or correct a record should be directed to the system manager listed above.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained; on-the-job trainers; supervisors; Office of Personnel Management.

NCUA–7

SYSTEM NAME:

Region I Employee Development/ Correspondence Records, NCUA.

SYSTEM LOCATION:

Region I Regional Office, National Credit Union Administration, 441 Stuart Street, Sixth Floor, Boston, Massachusetts 02116.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NCUA Region I employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains information on NCUA examiners and professional staff related to some or all of the following areas: work performance appraisals; district management; chartering efforts; reactions from FCU officials; personal development plans; copies of personnel records; supply and equipment information; training; work performance; suggestions; awards; travel vouchers; and data on leave and pay activities. Also, the system contains information on NCUA clerical staff related to: work performance and development activities, which may include work product samples; memos or notations from professional staff; personal development plans; evaluations by superiors; copies of personnel records; and data on pay and leave activity.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) The information in this system is used for recording time and attendance, controlling equipment inventories, training staff, evaluating employee work performance, and conducting general administrative matters. (2) Standard routine uses as set forth in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Records are maintained on paper hard copy.

RETRIEVABILITY:

Records are indexed alphabetically by name.

SAFEGUARDS:

Physical security consists of maintaining records in locked metal file cabinets within secured offices.

RETENTION AND DISPOSAL

Current and relevant information are maintained generally for a period of at least one to two years. Obsolete material is maintained in the same file cabinets and is periodically destroyed or returned to the originator.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Officer, Region I Regional Office, National Credit Union Administration, 441 Stuart Street, Sixth Floor, Boston, Massachusetts 02116.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the Regional Director where the system is located. If there is no record on the individual, the individual will be so advised.

RECORD ACCESS PROCEDURES:

Upon request, the Regional Director will set forth the procedures for gaining access to available records.

CONTESTING RECORD PROCEDURES:

Requests to amend or correct a record should be directed to the Regional Director.

RECORD SOURCE CATEGORIES:

Sources may include the individual whom the record concerns, supervisors of the individual, fellow employees, credit union officials, administrative officer or office assistant and other persons whom the individual may encounter in the course of work

performance. For payroll and personnel related information, the sources may include the General Services Administration and the Office of Personnel Management.

NCUA-8

SYSTEM NAME:

Region II Employee Development/ Correspondence Records, NCUA.

SYSTEM LOCATION:

Region II Regional Office, National Credit Union Administration, 310 North Second Street, Harrisburg, Pennsylvania 17101.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NCUA Region II employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains information on NCUA examiners and professional staff related to some or all of the following areas: work performance appraisals; district management; chartering efforts; reactions from FCU officials; personal development plans; copies of personnel records; supply and equipment information; training; work performance; suggestions; awards; travel vouchers; and data on leave and pay activities. Also, the system contains information on NCUA clerical staff related to: work performance and development activities, which may include work product samples; memos or notations from professional staff; personal development plans; evaluations by superiors; copies of personnel records; and data on pay and leave activity.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) The information in this system is used for recording time and attendance, controlling equipment inventories, training staff, evaluating employee work performance, and conducting general administrative matters. (2) Standard routine uses as set forth in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on paper hard copy.

RETRIEVABILITY:

Records are indexed alphabetically by name.

SAFEGUARDS:

Physical security consists of maintaining records in locked metal file cabinets within secured offices. Cabinets may be locked depending on the nature of the information which they contain.

RETENTION AND DISPOSAL:

Current and relevant information are maintained generally for a period of one to two years. Obsolete material is maintained in the same file cabinets and is periodically destroyed or returned to the originator.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Officer, Region II Regional Office, National Credit Union Administration, 310 North Second Street, Harrisburg, Pennsylvania 17101.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to the indivudual by addressing a request in person or by mail to the Regional Director where the system is located. If there is no record on the individual, the individual will be so advised.

RECORD ACCESS PROCEDURE:

Upon request, the Regional Director will set forth the procedures for gaining access to available records.

CONTESTING RECORD PROCEDURES:

Requests to amend or correct a record should be directed to the Regional Director.

RECORD SOURCE CATEGORIES:

Sources may include the individual whom the record concerns, supervisors of the individual, fellow employees, credit union officials, and other persons whom the individual encounters in the course of work performance. For payroll and personnel related information, the sources may include the General Services Administration and the Office of Personnel Management.

NCUA-9

SYSTEM NAME:

Region III Employee Development/ Correspondence Records, NCUA.

SYSTEM LOCATION:

Region III Regional Office, National Credit Union Administration, 1365 Peachtree Street, Suite 500, Atlanta, Georgia 30367.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NCUA Region III employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains information on NCUA examiners and professional staff related to some or all of the following areas: work performance appraisals; district management; chartering efforts; reactions from FCU officials; personal development plans; copies of personnel records; supply and equipment information; training; work performance; suggestions; awards; travel vouchers; and data on leave and pay activities. Also, the system contains information on NCUA clerical staff related to: work performance and development activities, which may include work product samples; memos or notations from professional staff; personal development plans; evaluations by superiors; copies of personnel records; and data on pay and leave activity.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) The information in this system is used for recording time and attendance, controlling equipment inventories, training staff, evaluating employee work performance, and conducting general administrative matters.

(2) Standard routine uses as set forth in Appendix. A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on paper hard copy.

RETRIEVABILITY:

Records are indexed alphabetically by name.

SAFEGUARDS:

Physical security consists of maintaining records in locked metal file cabinets within secured offices.

RETENTION AND DISPOSAL:

Current and relevant information are maintained generally for a period of one to two years. Obsolete material is maintained in the same file cabinets and is periodically destroyed or returned to the originator.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Officer, Region III Regional Office, National Credit Union Administration, 1365 Peachtree Street, Suite 500, Atlanta, Georgia 30309.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the Regional Director where the system is located. If there is no record on the individual, the individual will be so advised.

RECORD ACCESS PROCEDURES:

Upon request, the Regional Director will set forth the procedures for gaining access to available records.

CONTESTING RECORD PROCEDURES:

Requests to amend or correct a record should be directed to the Regional Director.

RECORD SOURCE CATEGORIES:

Sources may include the individual whom the record concerns, supervisors of the individual, fellow employees, credit union officials, and other persons whom the individual encounters in the course of work performance. For payroll and personnel related information, the sources may include the General Services Administration and the Office of Personnel Management.

NCUA-10

SYSTEM NAME:

Region IV Employee Development/ Correspondence Records, NCUA.

SYSTEM LOCATION:

Region IV Regional Office, National Credit Union Administration, New Federal Building, 234 North Summit Street, Room 704, Toledo, Ohio 43604.

CATETORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NCUA Region IV employees.

CATETORIES OF RECORDS IN THE SYSTEM:

The system contains information on NCUA examiners and professional staff related to some or all of the following areas: work performance appraisals; district management; chartering efforts; reactions from FCU officials; personal development plans; copies of personnel records; supply and equipment information; training; work performance; suggestions; awards; travel vouchers; and data on leave and pay activities. Also, the system contains information on NCUA clerical staff related to: work performance and development activities, which may include work product samples; memos or notations from professional staff; personal development plans; evaluations by superiors; copies of personnel records; and data on pay and leave activity.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) The information in this system is used for recording time and attendance, controlling equipment inventories, training staff, evaluating employee work performance, and conducting general administrative matters. (2) Standard routine uses as set forth in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on paper hard copy.

RETRIEVABILITY:

Records are indexed alphabetically by name.

SAFEGUARDS:

Physical security consists of maintaining records in metal file cabinets within secured offices.

RETENTION AND DISPOSAL:

Current and relevant information are maintained generally for a period of one to two years. Obsolete material is maintained in the same file cabinets and periodically destroyed or returned to the originator.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Officer, Region IV Regional Office, National Credit Union Administration, New Federal Building, 234 North Summit Street, Room 704, Toledo, Ohio 43604.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the Regional Director where the system is located. If there is no record on the individual, the individual will be so advised.

RECORD ACCESS PROCEDURES:

Upon request, the Regional Director will set forth the procedures for gaining access to available records.

CONTESTING RECORD PROCEDURES:

Requests to amend or correct a record should be directed to the Regional Director.

RECORD SOURCE CATEGORIES:

Sources may include the individual whom the record concerns, supervisors of the individual, fellow employees, credit union officials, and other persons whom the individual encounters in the course of work performance. For payroll and personnel related information, the sources may include the General Services Administration and the Office of Personnel Management.

NCUA-11

SYSTEM NAME:

Region V Employee Development/ Correspondence Records, NCUA.

SYSTEM LOCATION:

(1) Region V Regional Office, National Credit Union Administration, 515 Congress Avenue, Suite 1400, Austin, Texas 78701.

(2) Development files on the examiners are maintained by the Supervisory Examiners in their home offices, not in the regional office.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NCUA Region V employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains information on NCUA examiners and professional staff related to some or all of the following areas: work performance appraisals; district management; chartering efforts; reactions from FCU officials; personal development plans; copies of personnel records; supply and equipment information; training; work performance; suggestions; awards; travel vouchers; and data on leave and pay activities. Also, the system contains information on NCUA clerical staff related to: work performance and development activities, which may include work product samples; memos or notations from professional staff; personal development plans; evaluations by superiors; copies of personnel records; and data on pay and leave activity.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) The information in this system is used for record time and attendance, controlling equipment inventories, training staff, evaluating employee work performance, and conducting general administrative matters. (2) Standard routine uses as set forth in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on paper hard copy.

RETRIEVABILITY:

Records are indexed alphabetically by name.

SAFEGUARDS:

Physical security consists of maintaining records in metal file cabinets within secured offices. Cabinets may be locked depending on the nature of the information which they contain.

RETENTION AND DISPOSAL:

Current and relevant information are maintained generally for a period of one to two years. Obsolete material is maintained in the same file cabinets and is periodically destroyed or returned to the originator.

SYSTEM MANAGER(S) AND ADDRESS:

Secretaries to the Regional Director and Deputy Regional Director, Region V Regional Office, National Credit Union Administration, 515 Congress Avenue, Suite 1400, Austin, Texas 78701.

NOTIFICATION PROCEDURE:

Examiners may inquire as to whether the system contains a development record pertaining to the individual by addressing a request in person or by mail to the examiner's supervisory examiner at the supervisory examiner's home office. All other individuals may inquire as to whether the system contains a record pertaining to the indivudual by addressing a request in person or by mail to the Regional Director where the system is located. If there is no record on the individual, the individual will be so advised.

RECORD ACCESS PROCEDURES:

Upon request, the Regional Director or the appropriate supervisory examiner will set forth the procedures for gaining access to available records.

CONTESTING RECORD PROCEDURES:

Requests to amend or correct a record should be directed to the Regional Director.

RECORD SOURCE CATEGORIES:

Sources may include the individual whom the record concerns, supervisors of the individual, fellow employees, credit union officials, and other persons who the individual encounters in the course of work performance. For payroll and personnel related information, the sources may include the General Services Administration and the Office of Personnel Management.

NCUA-12

SYSTEM NAME:

Region VI Employee Development/ Correspondence Records, NCUA.

SYSTEM LOCATION:

(1) Region VI Regional Office, National Credit Union Administration, 77 Geary Street, Second Floor, San Francisco, California 94108.

(2) Development files on the examiners are maintained by the supervisory examiners in their home offices, not in the regional office.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NCUA Region VI employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains information on NCUA examiners and professional staff related to some or all of the following areas: work performance appraisals; district management; chartering efforts; reactions from FCU officials; personal development plans; copies of personnel records; supply and equipment information; training; work performance; suggestions; awards; travel vouchers; and data on leave and pay activities. Also, the system contains information on NCUA clerical staff related to: work performance and development activities, which may include work product samples; memos or notations from professional staff; personal development plans; evaluations by superiors; copies and personnel records; and data on pay and leave activity.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) The information in this system is used for recording time and attendance, controlling equipment inventories, training staff, evaluating employee work performance, and conducting general administrative matters. (2) Standard routine uses as set forth in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on paper hard copy.

RETRIEVABILITY:

Records are indexed alphabetically by name.

SAFEGUARDS:

Physical security consists of maintaining records in metal file cabinets within secured offices. Cabinets may be locked depending on the nature of the information which they contain.

RETENTION AND DISPOSAL:

Current and relevant information are maintained generally for a period of one to two years. Obsolete material is maintained in the same file cabinets and is periodically destroyed or returned to the originator.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Officer, Region VI Regional Office, National Credit Union Administration, 77 Geary Street, Second Floor, San Francisco, California 94108.

NOTIFICATION PROCEDURE:

Examiners may inquire as to whether the system contains a development record pertaining to the individual by addressing a request in person or by mail to the examiner's supervisory examiner at the supervisory examiner's home office. All other individuals may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the Regional Director where the system is located. If there is no record on the individual, the individual will be so advised.

RECORD ACCESS PROCEDURES:

Upon request, the Regional Director or the appropriate supervisory examiner will set forth the procedures for gaining access to available records.

RECORD SOURCE CATEGORIES:

Sources may include the individual whom the record concerns, supervisors of the individual, fellow employees, credit union officials, and other persons whom the individual encounters in the course of work performance. For payroll and personnel related information, the sources may include the General Services Administration and the Office of Personnel Management.

NCUA-13

SYSTEM NAME:

Retirement File, NCUA.

SYSTEM LOCATION:

Office of Administration, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any employee who submits an application for retirement.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains a copy of each individual's application for retirment and any supporting material, i.e., supervisor's statement, physician's report, and hospital records. Also, the system contains the decisions of the

Office of Personnel Management (OPM) on agency disability cases.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 CFR Part 831.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) The information maintained is a duplicated copy which is retained in the event the original papers are lost before adjustication of the claim. (2) Information is used by the Division of Personnel and Training staff in processing the application. (3) Standard routine uses as set forth in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on paper.

RETRIEVABILITY:

Records are indexed alphabetically by name.

SAFEGUARDS:

Records are maintained in a locked file drawer.

RETENTION AND DISPOSAL:

Records are disposed of one year after retirement.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Personnel and Training, Office of Administration, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the system manager listed above. If there is no record on the individual, the individual will be so advised.

RECORD ACCESS PROCEDURES:

Upon request, the system manager will set forth the procedures for gaining access to available records.

CONTESTING RECORD PROCEDURES:

Requests to amend or correct a record should be directed to the system manager listed above.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained; supervisor of individual; individual's physician; hospital attending individual; Office of Personnel Management.

NCUA–14

SYSTEM NAME:

Emergency Information (Employee) File, NCUA.

SYSTEM LOCATION:

Office of Administration, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NCUA Central Office employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains personal information on an employee, i.e., height, weight, hair color, eye color, current address, and telephone number. Also, this system identifies the individual to contact in case of an emergency involving the employee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) The Division of Personnel and Training (DOPT) uses certain personal information for preparing the employee ID cards. (2) The information on the individual to contact in cases of emergency is used by DOPT and others on a need-to-know basis. (3) The Security Officer mainains a list of all employees, with their addresses and telephone numbers. This list is updated monthly. The listed information is used when there is a national emergency. (4) Standard routine uses as set forth in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on paper hard copy.

RETRIEVABILITY:

Records are indexed alphabetically by name.

SAFEGUARDS:

Records are maintained in locked file drawer.

RETENTION AND DISPOSAL:

Records are disposed of after an employee is separated from the agency.

SYSTEM MANAGER(S) AND ADDRESS:

(1) Director, Division of Personnel and Training, Office of Administration, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456. (2) Security Officer, Office of Administration, at the same address, above.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the appropriate system manager listed above. If there is no record on the individual, the individual will be so advised.

RECORD ACCESS PROCEDURES:

Upon request, the system manager will set forth the procedures for gaining access to available records.

CONTESTING RECORD PROCEDURES:

Requests to amend or correct a record should be directed to the appropriate system manager listed above.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained.

NCUA–15

SYSTEM NAME:

Employee Injury File, NCUA.

SYSTEM LOCATION:

Office of Administration, National Credit Union Administration, 1776 G Street, NW., Washington, D.C. 20456.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any employee who has sustained a job-related injury or disease.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of reports submitted by individual who has sustained a job-related injury or disease. Copies of any further claims made regarding the same injury or disease or any other material required for documenting and adjudicating the claim.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Occupational Safety and Health Act 1970, 29 CFR Part 1960.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

(1) Information is maintained to provide appropriate data to the Department of Labor, when needed, for adjudication of a claim. (2) Further, information is used for reporting purposes as required by the Department of Labor on a recurring basis. (3) Use of information is limited to the Division of Personnel and Training staff. (4) Standard routine uses as set forth in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on paper.

RETRIEVABILITY:

Records are indexed alphabetically by name.

SAFEGUARDS:

Records are maintained in locked file drawer.

RETENTION AND DISPOSAL:

Records are disposed of five years after the year to which they relate.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Personnel and Training, Office of Administration, National Credit Union Administration, 1776 G Street, NW., Washington, D.C. 20456.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the system manager listed above. If there is no record on the individual, the individual will be so advised.

RECORD ACCESS PROCEDURES:

Upon request, the system manager will set forth the procedures for gaining access to available records.

CONTESTING RECORD PROCEDURES:

Requests to amend or correct a record should be directed to the system manager listed above.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained; supervisors of individual; individual's physician; hospital attending individual; Department of Labor.

NCUA-16

SYSTEM NAME:

Investigative Reports Involving Possible Felonies and/or Violations of Federal Credit Union Act, NCUA.

SYSTEM LOCATION:

Office of Administration, Nation Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system includes credit union employees who have misused or are suspected of having misused their trust in the credit union, and who have subsequently been investigated or prosecuted. Also, records may be maintained concerning credit union members involved or suspected of involvement in felonies or in fractions under the Federal Credit Union Act. Records are maintained on robberies, burglaries, and other crimes against credit unions. Information in this system is rarely indexed by the names or other identities of suspected perpetrators.

CATEGORIES OF RECORDS IN THE SYSTEM:

Investigative reports relating of possible felonies and violations of the Federal Credit Union Act (embezzlements, improper allocation of credit uion funds, etc.).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1776 and 1789.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Information is used to determine if any further agency action should be taken. (2) Standard routine uses as set forth in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on paper hard copy.

RETRIEVABILITY:

System is indexed by credit union name.

SAFEGUARDS:

Records are maintained in a separate locked room accessible only to the Security Officer and his designated assistants. The records are further secured in a locked safe accessible only to the Security Officer and his designated assistants.

RETENTION AND DISPOSAL:

After records have served the operational needs of NCUA and after disposition of the subject matter of the records, they are returned to the originating agency or destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Security Officer, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the system manager listed above. If there is no record on the individual, the individual will be so advised.

RECORD ACCESS PROCEDURES:

Upon request, the system manager will set forth the procedures for gaining access to available records.

CONTESTING RECORD PROCEDURES:

Requests to amend or correct a record should be directed to the system manager listed above.

RECORD SOURCE CATEGORIES:

Federal Bureau of Investigation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is subject to a specific exemption pursuant to 5 U.S.C. 522a(k)(2), as the system of records is investigatory material compiled for law enforcement purposes.

NCUA-17

SYSTEM NAME:

Breach of Trust Statement; Nonfederal Credit Union/Share Insurance Applicants, NCUA.

SYSTEM LOCATION:

Office of Examination and Insurance, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Directors, officers, committee members and employees of nonfederal credit union applicants for insurance, by the National Credut Union Share Insurance Fund (NCUSIF), who have been convicted of a criminal offense involving dishonesty or a breach of trust.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1781(c)(1)(C).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, AND THE PURPOSES OF SUCH USES:

(1) The only recurring use is internal, i.e., to consider the soundness of management of nonfederal credit union share insurance applicants. (2) Standard routine uses as set forth in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on paper.

RETRIEVABILITY:

Records are retrievable by name of credit union combined with name of individual.

SAFEGUARDS:

Records obtained prior to November 11, 1976, are maintained in the National Credit Union Administration's central credit union filing system, accessible only to authorized NCUA employees. Records obtained on or after November 11, 1976, are maintained in a locked file cabinet under the custody of the system manager.

RETENTION AND DISPOSAL:

Records are retained indefinitely, as long as the subject credit union retains its NCUSIF-insured status.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Corporate Structure and Insurance, Office of Examination and Insurance, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the system manager listed above. If there is no record on the individual, the individual will be so advised.

RECORD ACCESS PROCEDURES:

Upon request, the system manager will set forth the procedures for gaining access to available records.

CONTESTING RECORD PROCEDURES:

Requests to amend or correct a record should be directed to the system manager listed above.

RECORD SOURCE CATEGORIES:

Nonfederal credit union share insurance applicants.

NCUA–18

SYSTEM NAME:

Adverse Reports of Officials; Federal Credit Union Charter Applicants, NCUA.

SYSTEM LOCATION:

Office of Examination and Insurance, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Prospective officials of Federal credit union charter applicants who have been convicted of criminal offenses involving dishonesty or breach of trust.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of Officials (NCUA Form 4012) and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1781(c)(1)(C).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) The only recurring use is internal, i.e., to consider the soundness of proposed officials of a Federal credit union. (2) Standard routine uses as set forth in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are retrievable by name of credit union combined with name of individual.

SAFEGUARDS:

Records obtained prior to November 11, 1976, are maintained in the National Credit Union Administration's central credit union filing system, accessible only to authorized NCUA employees. Records obtained on or after November 11, 1976, are maintained in a locked file cabinet under the custody of the system manager.

RETENTION AND DISPOSAL:

Records are retained indefinitely, as long as the subject credit union retains its NCUSIF-insured status.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Corporate Structure and Insurance, Office of Examination and Insurance, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the system manager listed above. If there is no record on the individual, the individual will be so advised.

RECORD ACCESS PROCEDURE:

Upon request, the system manager will set forth the procedures for gaining access to available records.

CONTESTING RECORD PROCEDURES:

Request to amend or correct a record should be directed to the system manager listed above.

RECORD SOURCE CATEGORIES:

Federal credit union charter applicants.

NCUA–19

SYSTEM NAME:

Acquired Assets and Share Payouts Records System, NCUA.

SYSTEM LOCATION:

Division of Liquidations, Office of the Insurance Fund, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of liquidating federally-insured credit unions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Share and account balances; personal data regarding income and debts; payment history.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1787.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Data used for payment of insurance claims to shareholders in liquidating federally-insured credit unions. (2) Also, data is used in the collection of outstanding loans, which may include, referral of information to the General Accounting Office or the Department of Justice. (3) Generally, information is used for all purposes necessary to close out the affairs of the liquidated credit union and carry out all appropriate liquidation related functions of NCUA, including referral of necessary information to facilitate a purchase of the credit union's assets by NCUA or sale to a third party (before or after such purchase), referral of noncredit information to outside address locators, or referral of information to a surety company in pursuit of a fidelity bond claim. (4) Standard routine uses as set forth in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is initially compiled on data conversion sheets prepared by NCUA examiners acting as on-site liquidators. This data is stored on computer tape, from which loan registers may be prepared and furnished to NCUA regional offices or prospective purchasers of the assets of closed credit unions. In addition to data stored on computer tape, the following records are maintained on paper hard copy; data conversion sheets, loan registers, essential share and loan documents, and

members' filed claim forms. Copies of share and loan documents, incoming payments, and loan portfolios may also be maintained on microfilm copy.

RETRIEVABILITY:

Records are indexed by name of member and by name of closed insured credit union.

SAFEGUARDS:

Records are maintained in secured offices.

RETENTION AND DISPOSAL:

Information is disposed of after ten years retention.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Liquidations, Office of the Insurance Fund, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the system manager listed above. If there is no record on the individual, the individual will be so advised. Written inquiries should include name of inquirer, name of closed insured credit union of which inquirer was a member, and share and loan account numbers, if known, in addition to any requirements set by 12 CFR Part 720, Subpart B.

RECORD ACCESS PROCEDURE:

Upon request, the system manager will set forth the procedures for gaining access to available records.

CONTESTING RECORD PROCEDURES:

Requests to amend or correct a record should be directed to the system manager listed above.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained; outside address locators; and share and loan account files of the liquidating credit union of which the individual was a member.

NCUA-20

SYSTEM NAME:

Member Accounts; Credit Unons Closed for Involuntary Liquidation, NCUA.

SYSTEM LOCATION:

Records within this system of records are located at one of the NCUA regional offices (listed in Appendix B) for a period of time necessary to answer inquiries of credit union members and to transfer share and loan record information to the Division of Liquidations, Office of the Insurance Fund, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C., or an outside purchaser. After such time, the remaining records are transferred for storage to one of twelve General Services Administration record storage centers. Records are located in the regional office covering the state in which the main office of the liquidating credit union is located (see Appendix B for states covered by each regional office).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Information is maintained on those individuals who were members or employees of a federally-insured credit union closed for liquidation and for which the Board served as liquidating agent pursuant to 12 U.S.C. 1787. Records in this system are subject to the provisions of the Privacy Act only upon completion of the liquidation of a closed federally-insured credit union and three years after cancellation of the credit union charter. Prior to such time, records of a closed insured credit union which are held by the Board, only in its capacity as liquidating agent for the closed credit union, are not "agency records" within the meaning of the Privacy Act, and thus the provisions of the Act have no applicability. Prior to charter cancellation, however, records or information may be transmitted from this system into another NCUA system of records, such as, NCUA System 19—Acquired Assets and Share Payouts Records System, and in such a case, the records as contained in the second system will be considered agency records to the extent that they are maintained for a purpose other than those attributable to functions of the liquidating agent (e.g., for share insurance payout purposes, collection of purchased assets, etc.).

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains information concerning an individual's membership in and share and loan transactions with the credit union which has been closed for liquidation; membership card; individual share and loan ledgers; notes; security documents; promissory notes and extension agreements, if any. Also included are employee payroll records and data. As further explained above, in the "Categories of individuals * * *" portion of this descriptive system notice, records of a closed insured credit union are generally subject to the provisions of the Privacy Act three years after completion of the liquidation of the credit union and cancellation of the credit union charter.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1766(c) and 1787.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Actions necessary to close out the affairs of liquidating federally-insured credit unions, including: (a) referral of information to affected credit union members, the NCUA Loan Management System, and any purchasers or prospective purchasers of the closed credit union's assets; (b) referral of information to the credit union's surety in pursuit of fidelity bond claims; and (c) referral of relevant information to any appropriate agency or official in the course of collecting a claim of the United States. (2) Standard routine uses as set forth in Appendix A. (While it is the full intent to comply with the spirit of the Privacy Act with regard to records maintained within this described system, it should again be noted that the provisions of the Privacy Act of 1974, including a limitation of routine uses to those described herein, do not technically apply to the records until they become "agency" records, i.e., until such time as they are transferred to another system within NCUA or at such time as they revert to NCUA three years after the cancellation of the charter of a closed credit union.)

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records on individual credit union members or employees in this system of records are maintained on member account documents as compiled by individual credit unions prior to entering liquidation.

RETRIEVABILITY:

Member and employee records are generally ordered or indexed by name or account number.

SAFEGUARDS:

Records within this system are maintained under the control of a designated agent for the liquidating agent who makes only such disclosures from the records as are necessary or part of responsibilities under the Federal Credit Union Act (12 U.S.C. 1751–1795).

RETENTION AND DISPOSAL:

The records are maintained in a regional office, as indicated under the location section of this notice, for a

period necessary to answer inquiries of credit union members and transfer appropriate share and loan information to the NCUA Loan Management System, Washington, D.C. After such time, the records are transferred for permanent storage to one of twelve General Services Administration record storage centers.

SYSTEM MANAGER(S) AND ADDRESS:

The system managers for this system of records are the six regional directors located at the regional office addresses set forth in Appendix B.

NOTIFICATION PROCEDURE:

If an individual wants to find out whether the records of a closed credit union within this system include records pertaining to that individual, the individual should contact the regional director whose jurisdiction includes the state where the main office of the closed credit union was located (see addresses in Appendix B) by mail or in person. The inquiry should contain the name of the inquirer, the name of the closed credit union, the inquirer's credit union account number (if known), a description of the records sought, the approximate date covered by the records sought, the approximate dates covered by the record, and the name of the system of records. If there is no record on the individual, the individual will be so advised.

RECORD ACCESS PROCEDURES:

Upon request, the regional director will set forth the procedures for gaining access to available records.

CONTESTING RECORD PROCEDURES:

Requests to amend or correct a record should be directed to the appropriate regional director.

RECORD SOURCE CATEGORIES:

The sole source of information for this system of records is the member-related files and accounting records of federally-insured credit unions which have been closed for liquidation and for which the Board, or its designee, serves as liquidating agent.

NCUA-21

SYSTEM NAME:

Trusteed Account Records System, NCUA.

SYSTEM LOCATION:

Division of Liquidations, Office of Insurance Fund, National Credit Union Administration, 1776 G Street, NW., Washington, D.C. 20456.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of liquidating federally-insured credit unions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Share balances and last known addresses of individuals by whom or on whose behalf insured share account payout claims have been filed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1787.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Information is used to ensure proper payment of all trusteed account funds. (2) Standard routine uses as set forth in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on computer printout forms. Signature cards and account records are also maintained on microfilm copy. In addition, information in the system is stored on computer tape by a private contractor pursuant to an agreement which provides that the information will remain confidential.

RETRIEVABILITY:

Records are retrievable by individual name, credit union name, or a combination thereof.

SAFEGUARDS:

Records are stored in secured offices.

RETENTION AND DISPOSAL:

Records are maintained until processing of claims is completed and, thereafter, are escheated to the appropriate state agency.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Liquidations, Office of the Insurance Fund, National Credit Union Administration, 1776 G Street, NW., Washington, D.C. 20456.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the system manager listed above. If there is no record on the individual, the individual will be so advised.

RECORD ACCESS PROCEDURES:

Upon request, the system manager will set forth the procedures for gaining access to available records.

CONTESTING RECORD PROCEDURES:

Requests to amend or correct a record should be directed to the system manager listed above.

RECORD SOURCE CATEGORIES:

Files of federally-insured credit unions which are closed for liquidation.

NCUA-22

SYSTEM NAME:

Investigation Files, NCUA.

SYSTEM LOCATION:

Office of Internal Audit and Investigation, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the NCUA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Investigative reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1766(i)(1) and 1789(a)(7).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Information gathered is used for intra-agency purposes. (2) Standard routine uses as set forth in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Reports are maintained on paper hard copy.

RETRIEVABILITY:

This system is indexed by name of complainant.

SAFEGUARDS:

Records are maintained in locked file cabinet inside a locked room; and are accessible only to the Director, Office of Internal Audit and Investigation, and designated assistants.

RETENTION AND DISPOSAL:

After the report is reviewed by the Board and has served its intended purpose, it is retained for five years and then destroyed unless otherwise directed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Internal Audit and Investigation, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the system manager listed above. If there is no record on the individual, the individual will be so advised.

RECORD ACCESS PROCEDURES:

Upon request, the system manager will set forth the procedures for gaining access to available records.

CONTESTING RECORD PROCEDURES:

Requests to amend or correct a record should be directed to the system manager listed above.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained; supervisors; files maintained by the Director, Division of Personnel and Training, NCUA; and Office of Personnel Management.

NCUA-23

SYSTEM NAME:

Consumer Complaints Against Federal Credit Unions, NUCA.

SYSTEM LOCATION:

(1) Office of Consumer Affairs, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

(2) Related information may be maintained in credit union files in NCUA's six regional offices (see Appendix B for regional offices' locations).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who submit complaints concerning operating Federal credit unions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Complaint letters, investigation reports, and related correspondence concerning the complainants and the involved Federal credit unions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1766(i)(1) and 1789(a)(7); 5 U.S.C. 301; 15 U.S.C. 1601–1693.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

(1) Information may be disclosed to officials of Federal credit unions and other persons mentioned in a complaint or identified during an investigation. (2) Disclosures may be made to the Federal Reserve Board, other Federal financial regulatory agencies, the Federal Financial Institutions Examination Council, the White House Office of Consumer Affairs, and the Congress or any of its authorized committees in fulfilling reporting requirements or assessing implementation of applicable laws and regulations. (Such disclosures will be made in a nonidentifiable manner when feasible and appropriate.) (3) Referrals may also be made to other Federal and nonfederal supervisory or regulatory authorities when the subject matter is a complaint or inquiry which is more properly within such agency's jurisdiction. (4) Standard routine uses as set forth in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on paper or computer tape.

RETRIEVABILITY:

Records are retrievable from files by Federal credit union name and from the *Complaint Handling Information Program* (CHIP), by complainant name or assigned control number.

SAFEGUARDS:

Records are maintained in secured offices in either a file cabinet or in the computer.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Consumer Affairs, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the system manager listed above. If there is no record on the individual, the individual will be so advised.

RECORD ACCESS PROCEDURES:

Upon request, the system manager will set forth the procedures for gaining access to available records.

CONTESTING RECORD PROCEDURES:

Request to amend or correct a record should be directed to the system manager listed above.

RECORD SOURCE CATEGORIES:

Complainant (and his or her representative, which may include, e.g., a member of Congress or an attorney); Federal credit union officials; employees and members of the credit union involved; and NCUA examiners and central files on Federal credit unions.

NCUA-24

SYSTEM NAME:

Litigation Case Files, NCUA.

SYSTEM LOCATION:

Office of General Counsel, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records are maintained in files by the case name of individuals who are: the subject of NCUA investigations made in contemplation of legal action; involved in civil litigation with NCUA; involved in administrative proceedings; involved in litigation of interest to NCUA; or pursuing tort claims.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in case files include: investigative reports relating to possible felonies or violations of the Federal Credit Union Act; transcipts of testimony or affidavits; documents and other evidentiary matter; pleadings and other documents filed in court; orders filed or issued in civil, administrative, or criminal proceedings; correspondence relating to investigatory or litigation matters; information provided by the individual under investigation or from a Federal credit union; and other memoranda gathered and prepared by staff in performance of their duties.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1766, 1786, 1787, and 1789; 28 U.S.C. 2671–2680.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) The staff of the Office of General Counsel may use such records to render legal advice concerning investigations or courses of legal action; to represent NCUA in all judicial and administrative proceedings in which NCUA or any of its employees who, within the scope of employment and in an official capacity, is a party; or to intervene as an amicus curiae. (2) Standards routine uses set forth in Appendix A.

SYSTEM MANAGER AND ADDRESS:

General Counsel, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record

pertaining to the individual by addressing a request in person or by mail to the system manager listed above. If there is no record on the individual, the individual will be so advised.

RECORD ACCESS PROCEDURES:

Requests to amend or correct a record should be directed to the system manager listed above.

CONTESTING RECORD PROCEDURES:

Requests to amend or correct a record should be directed to the system manager listed above.

RECORD SOURCE CATEGORIES:

Record source categories vary depending upon the legal issue but generally are obtained from the following: NCUA staff and internal agency memoranda; Federal employees and private parties involved in torts; contracts; Federal credit union files or officials; general law texts and sources; law enforcement officers; witnesses and others; administrative and court pleadings, transcripts or judicial orders/decisions; evidence gathered in connection with the matter involved; and from individuals to whom the records relate.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is subject to the specific exemption provided by 5 U.S.C. 552a(k)(2), as the system of records is investigatory material compiled for law enforcement purposes.

NCUA-25

SYSTEM NAME:

Grievance Records, NCUA.

SYSTEM LOCATION:

Division of Personnel and Training, Office of Administration, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former Federal employees who have submitted grievances with NCUA in accordance with Part 771 of the Office of Personnel Management (OPM) regulations. (5 CFR Part 771.)

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains records relating to grievances filed by agency employees under Part 771 of the OPM's regulations. These case files contain all documents related to the grievance including statements of witnesses, reports of interviews and hearings, examiners findings and recommendations, a copy of the original and final decision with related correspondence and exhibits.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302, 3301, and 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218; E.O. 10987; 3 CFR 1959–1963 Comp., p. 519, agency employees for personal relief in a matter of concern or dissatisfaction which is subject to the control of agency management.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Information is used by the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation or order where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

(2) Information is used by any source from which additional information is requested in the course of processing a grievance to the extent necessary to identify the individual, inform the source of the purpose(s) of the request and identify the type of information requested.

(3) Information is used by a Federal agency in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract or the issuance of a license, grant, other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

(4) Information is used by a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

(5) Information is used by another Federal agency or by a court when the Government is party to a judicial proceeding before the court.

(6) Information is used by the National Archives and Records Service (General Services Administration) in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

(7) Information is used by NCUA in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances, the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference.

(8) Information is used by officials of the Office of Personnel Management, the Merit Systems Protection Board including the Office of the Special Counsel, the Federal Labor Relations Authority and its General Counsel, or the Equal Employment Opportunity Commission when requested in performance of their authorized duties.

(9) Information (that is relevant to the subject matter involved in a pending judicial or administrative proceeding) is used to respond to a request for discovery or for appearance of a witness.

(10) Information is used by officials of labor organizations reorganized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions.

(11) Standard routine uses as set forth in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are retrievable by the names of the individuals on whom they are maintained.

SAFEGUARDS:

Records are maintained in lockable metal filing cabinets to which only authorized personnel have access.

RETENTION AND DISPOSAL:

Records are disposed of three (3) years after closing of the case. Disposal is by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Personnel and Training, Office of Administration, National Credit Union Administration, 1776 G Street, N.W. Washington, D.C. 20456.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the system manager listed above. If there is no record on the individual, the individual will be so advised.

RECORD ACCESS PROCEDURES:

Upon request, the system manager will set forth the procedures for gaining access to available records.

CONTESTING RECORD PROCEDURES:

Request to amend or correct a record should be directed to the system manager listed above.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained; testimony of witnesses; agency officials; related correspondence from organizations or persons.

Appendix A—Standard Routine Uses Applicable to NCUA Systems of Records

1. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a "routine use," to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

2. A record from a system of records may be disclosed as a "routine use" to a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary, to obtain information relevent to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant, or other benefit.

3. A record from a system of records may be disclosed as a "routine use" to a Federal agency, in response to its request, for a matter concerning the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

4. A record from a system of records may be disclosed as a "routine use" to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. Further, a record from any system of records may be disclosed as a "routine use" to the Office of Personnel Management in accordance with the agency's responsibility for evaluation and oversight of Federal personnel management.

5. A record from a system of records may be disclosed as a "routine use" to officers and employees of a Federal agency for purposes of audit.

6. A record from a system of records may be disclosed as a "routine use" to a member of Congress or to a congressional staff member in response to an inquiry from the congressional office made at the request of the individual about whom the record is maintained.

7. A record from a system of records may be disclosed as a "routine use" to the officers and employees of the General Services Administration (GSA) in connection with administrative services provided to this agency under agreement with GSA.

Appendix B—List of Regional Offices (Addresses and States Covered by Each Region)

I. NCUA Region I Regional Office: 441 Stuart Street, Sixth Floor, Boston, Massachusetts 02116, Phone: (617) 223–6807.

States covered: Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Puerto Rico, Rhode Island, Virgin Islands, Vermont.

II. NCUA Region II Regional Office: 310 North Second Street, Harrisburg, Pennsylvania 17101, Phone: (717) 782–4595.

States covered: District of Columbia, Delaware, Maryland, Pennsylvania, Virginia, West Virginia.

III. NCUA Region III Regional Office: 1365 Peachtree Street, Suite 500, Atlanta, Georgia 30367, Phone: (404) 881–3127.

States covered: Arkansas, Alabama, Republic of Panama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Tennessee, South Carolina.

IV. NCUA Region IV Regional Office: New Federal Office Building, Room 704, 234 N. Summit Street, Toledo, Ohio 43604, Phone: (419) 259–7510.

States covered: Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, North Dakota, Ohio, South Dakota, Wisconsin.

V. NCUA Region V Regional Office: 515 Congress Avenue, Suite 1400, Austin, Texas 78701, Phone: (512) 397–5131.

States covered: Arizona, Colorada, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Texas, Utah, Wyoming.

VI. New Region VI Regional Office: 77 Geary Street, Second Floor, San Francisco, California 94108, Phone: (415) 556–6277.

States covered: Alaska, California, Guam, Hawaii, Oregon, Washington.

[FR Doc. 81-37043 Filed 12-29-81; 8:45 am]

BILLING CODE 7535-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-219]

Jersey Central Power & Light Co.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 58 to Provisional Operating License No. DPR–16, issued to Jersey Central Power & Light Company (the licensee), which revised the Technical Specifications for operation of the Oyster Creek Nuclear Generating Station (the facility) located in Ocean County, New Jersey. The amendment is effective as of its date of issuance.

This amendment incorporates Technical Specification requirements on additional fire protection systems that were installed during the 1980 refueling outage.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated July 14, 1980, and a revision thereto dated May 6, 1981, (2) Amendment No. 58 to License No. DPR–16, including the Commission's letter of transmittal, 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. 20555 and at the Ocean County Library, Brick Township Branch, 401 Chambers Bridge Road, Brick Town, New Jersey 08723. A single 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 21st day of December, 1981.

For the Nuclear Regulatory Commission.

Thomas V. Wambach,

Acting Chief, Operating Reactors Branch #5, Division of Licensing.

[FR Doc. 81-37134 Filed 12-29-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. STN 50-482]

Kansas Gas & Electric Co. et al.; Issuance of Amendment to Construction Permit

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the

Commission) has issued Amendment No. 1 to Construction Permit No. CPPR-147 to Kansas Gas and Electric Company, Kansas City Power and Light Company and Kansas Electric Power Cooperative, Inc. The amendment reflects a change in ownership and transfer of shares of the Wolf Creek Generating Station, Unit No. 1, located in Coffey County, Kansas.

The amendment provides for the addition of Kansas Electric Power Cooperative, Inc. as an applicant for all licenses previously requested and an ownership share of six percent of the facility. The amendment is effective as of the date of issuance.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the amendment. Public notice of the proposed issuance of this amendment was published in the **Federal Register** on September 24, 1979 (44 FR 55071). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

For further details with respect to this action, see (1) the application for amendment, dated July 30, 1979 and amendment to the application, dated November 20, 1981; (2) Amendment No. 1 to Construction Permit No. CPPR-147, and (3) the staff's 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. 20555 and at the William Allen White Library, Emporia State University, 1200 Commercial Street, Emporia, Kansas 66801.

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: Division of Technical Information and Document Control.

Dated at Bethesda, Maryland, this 22nd of December 1981.

B. J. Youngblood,

Chief, Licensing Branch No. 1, Division of Licensing.

[FR Doc. 81-37135 Filed 12-29-81; 8:45 am]

BILLING CODE 7590-01-M

Draft Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a proposed revision to a guide in its Regulatory Guide Series together with a draft of the associated value/impact statement. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The draft, temporarily identified by its task number, CE 913-5 (which should be mentioned in all correspondence concerning this draft guide), is proposed Revision 2 to Regulatory Guide 1.13 and is entitled "Spent Fuel Storage Facility Design Basis." It is being developed to describe procedures acceptable to the NRC staff complying with the Commission's regulations with respect to the design of spent fuel storage facilities at nuclear power plants. The draft guide endorses ANSI N210-1976/ANS-57.2, "Design Objectives for Light Water Reactor Spent Fuel Storage Facilities at Nuclear Power Stations," with certain modifications.

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not received complete staff review and do not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value/impact statement should be accompanied by supporting data. Comments on both drafts should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch by March 5, 1982.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of draft guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 22nd day of December 1981.

For the Nuclear Regulatory Commission.

G. A. Arlotto,

Director, Division of Engineering Technology, Office of Nuclear Regulatory Research.

[FR Doc. 81-37136 Filed 12-29-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Cost of Hospital and Medical Care and Treatment Furnished by the United States; Certain Rates Regarding Recovery From Tortiously Liable Third Persons

By virtue of the authority vested in the President by section 2(a) of the Act of September 25, 1962, (76 Stat. 593: 42 U.S.C. 2652), and delegated to the Director of the Office of Management and Budget by Executive Order No. 11541 of July 1, 1970, (35 FR 10737), the following three sets of rates are established for use in connection with the recovery, as authorized by such Act, from tortiously liable third persons of the cost of hospital and medical care and treatment furnished by the United States (Part 43 of Chapter I of Title 28 of the Code of Federal Regulations) through three separate Federal agencies. These rates have been determined to represent the reasonable cost of hospital, nursing home, medical, surgical or dental care and treatment (including prostheses and medical appliances) furnished or to be furnished:

(a) For such care and treatment furnished by the United States in Federal hospitals, nursing homes, and outpatient clinics, administered by any of the three Federal agencies—Department of Defense, Veterans Administration, or Department of Health and Human Services—with the exception of Department of Defense operated medical treatment facilities in Panama.

(b) For such care and treatment furnished at Government expense in a facility not operated by the United States, the rates shall be the amounts expended by the United States for such care and treatment.

(c) For such care and treatment at the United States Government medical

treatment facilities in Panama, Panama-specific rates shall be those established and in effect at the time the care and treatment is furnished by the Department of Defense for such care and treatment furnished in Panama to beneficiaries of other United States Government agencies. The Panama-specific rates will be discontinued on March 31, 1982, and replaced with the Department of Defense rates used worldwide.

	DOD [1]	VA [1]	HHS [1]
Hospital care per inpatient day:			
General medical, surgical, and tuberculosis care	$406	$285	$254
In Panama	368		
Psychiatric care		170	
Nursing home care		109	
Burn Center, U.S. Army Institute of Surgical Research, Brooke Army Medical Center, Fort Sam Houston, Texas	1,680		
Outpatient medical and dental treatment:			
Per outpatient visit	40	61	50
In Panama	37		

[1] Effective January 4, 1982 and thereafter.

For the period beginning January 4, 1982, the rates prescribed herein supersede those established by the Director of the Office of Management and Budget on May 11, 1981, (46 FR 25738). Effective April 1, 1982, the Panama-specific health care reimbursement rates will be replaced with the Department of Defense worldwide reimbursement rates.

Dated: December 21, 1981.

David A. Stockman,

Director, Office of Management and Budget.

[FR Doc. 81-37130 Filed 12-29-81; 8:45 am]

BILLING CODE 3110-01-M

Office of Federal Procurement Policy; Solicits Views

Proposed Policy Letter; Opportunity for Review and Comment

AGENCY: Office of Federal Procurement Policy; Office of Management and Budget.

ACTION: Solicitation of views.

SUMMARY: Section 6(d)(3) and 14(b) of the Office of Federal Procurement Policy Act, Pub. L. 93-400, as amended by Pub. L. 96-83 (41 U.S.C. 407(d)(3), 412(b)), require the Administrator for Federal Procurement Policy to:

Establish criteria and procedures for an effective and timely method of soliciting the viewpoints of interested parties in the development of procurement policies, regulations, procedures, and forms.

Require by regulation that formal meetings of the Office of Federal Procurement Policy, as designated by the Administrator, for the purpose of developing procurement policies and regulations, shall be open to the public, and that public notice of each such meeting shall be given not less than ten days prior thereto.

The proposed Policy Letter would implement these statutory requirements by establishing uniform procedures for all agencies issuing procurement policies, regulations, procedures, and forms, and by publicizing the procedures of the Office of Federal Procurement Policy for the conduct of public hearings and open meetings.

DATE: Comments must be received by February 28, 1982.

ADDRESS: Send comments to Mr. LeRoy J. Haugh, Associate Administrator for Regulatory Policies and Practices, Office of Federal Procurement Policy, Office of Management and Budget, 726 Jackson Place, NW., Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: Mr. LeRoy J. Haugh, address as above, telephone (202) 395-6166.

Donald E. Sowle,

Administrator.

OFPP Policy Letter No. 82-

To the Heads of Executive Departments and Establishments

Subject: Public Participation in the Development of Federal Procurement Policies and Regulations

1. *Purpose.* The purpose of this Policy Letter is to establish uniform criteria and procedures for soliciting the views of all interested parties in the development of Federal procurement policies, regulations, procedures and forms.

2. *Authority.* This Policy Letter is issued pursuant to section 6(d)(3) and section 14(b) of the Office of Federal Procurement Policy Act, Pub. L. 93-400, as amended by Pub. L. 96-83 (41 U.S.C. 407(d)(3), 412(b)).

3. *Policy.* The views of all interested parties, including Government agencies, private organizations and associations, business firms, educational institutions and individuals are to be obtained and considered by any executive agency proposing to develop or amend a procurement policy, regulation, procedure, or form.

4. *Criteria.* The policy applies to all significant proposed procurement policies, regulations, procedures and forms. A proposal is considered to be significant if it has any affect beyond the internal operating procedures of the issuing agency.

5. *Waiver.* The solicitation of views from outside the Government may be waived, by the heads of executive departments or establishments or their deputies when circumstances make such solicitation impracticable, such as an emergency or a requirement to implement a new statute in a relatively short time.

6. *Procedures.* All significant proposed procurement policies, regulations, procedures, and forms shall be published in the **Federal Register** for public comment. The views of Government agencies shall be solicited by letters addressed to the agencies. The normal comment period shall be 60 days, but in no case less than 30 days. When new material is being developed on a coordinated uniform basis for the Defense Acquisition Regulation, the Federal Procurement Regulations, and the National Aeronautics and Space Administration Procurement Regulation, publication and receipt of comments should be handled by only one agency, to be agreed upon by the Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration. Matters which have been through a public comment period by one agency, including the Office of Federal Procurement Policy, and are being adopted or implemented without significant change by another agency, need not be published again for comment.

7. *Content of Notice.* The **Federal Register** notice shall include the following:

a. The basis for the proposal;

b. An analysis of the significant features of the proposal;

c. A description of the results anticipated from implementation of the proposal; and an estimate of the effect on both Government and private sector workload;

d. The anticipated effect on the procurement process.

e. The text of the proposed issuance. However, if it is impracticable to publish the full text in the **Federal Register**, a summary shall be published, and the notice shall advise where the full text may be obtained or examined.

8. *Mailing List.* Agencies are encouraged to maintain lists of organizations, associations, and other interested parties that have expressed a continuing desire to be informed of proposed changes to procurement policies, regulations, procedures, and forms, and to solicit their comments directly in addition to any notice published in the **Federal Register**.

9. *Public Hearings or Meetings of the Office of Federal Procurement Policy.* Public hearings or formal meetings, open to the public, may be held by OFPP to provide an opportunity for discussion of policies under consideration. Criteria and procedures are as follows:

a. *Criteria.* A public hearing or open meeting shall be held in connection with the adoption, amendment, or repeal of an OFPP policy whenever the Administrator determines that such a hearing or meeting would—

(i) materially benefit the consideration of the issues;

(ii) be likely to develop significant additional information or views or;

(iii) provide useful public visibility to the policy determination of the Office.

The convening of such a hearing or meeting may be forgone if the Administrator determines that it is not feasible, as in matters of urgency or for other good cause.

b. *Notice and Procedures.* Notice of any public hearing or open meeting shall normally be published in the **Federal Register** at least 30 days in advance, and in the "Business News" section in the *Commerce Business Daily.* Anyone may make a brief oral

presentation, provided a written statement is submitted to OFPP by the day preceding the hearing or meeting. Only one representative of any organization may make an oral presentation, and the Administrator may require that such presentations be limited to summarizing the main points of written submissions. If time permits, others in attendance may be allowed to comment briefly on matters under discussion. Hearings and meetings will not ordinarily be recorded by OFPP; anyone attending may record the proceedings provided that OFPP be furnished a copy of any transcript made.

10. *Effective Date.* This Policy Letter is effective ————.

11. *Expiration.* This Policy Letter shall expire upon the effective date of the Federal Acquisition Regulation, now being developed.

Donald E. Sowle,

Administrator.

[FR Doc. 81-37129 Filed 12-29-81; 8:45 am]

BILLING CODE 3110-01-M

OFPP Policy Letter 81-2; Supplement No. 1; Policy Guidance for the Labor Surplus Area Program

AGENCY: Office of Federal Procurement Policy, Office of Management and Budget.

ACTION: Supplement to OFPP Policy Letter 81-2, May 29, 1981.

SUMMARY: OFPP Policy Letter 81-2 May 29, 1981, published in the Federal Register on June 5, 1981, provided uniform policy guidance on the labor surplus area program.

This supplement to Policy Letter 81-2 deletes paragraph 2 "GSA Multiple Award Schedule Contracts" of OFPP Policy Letter 81-2. Paragraphs 2a and 2b are now regarded as inappropriate since GSA advises that it is not feasible to indicate in the Federal Supply Schedules whether an item was manufactured in a labor surplus area. Paragraphs 2c and 2d are regarded as inappropriate since, starting with Fiscal Year 1981, purchases by agencies against GSA schedules are not to be counted as awards in fulfillment of individual agency LSA targets. This supplement also amends paragraph 1b in its statement of which agency set-aside awards shall be recorded in fulfillment of their labor surplus area targets.

DATE: The provisions of the supplementary Policy Letter will be effective December 31, 1981.

CONTACT:

Owen Birnbaum, Deputy Associate Administrator for Regulatory Policies and Practices, 395-3455.

Dated: December 23, 1981.

Donald E. Sowle,

Administrator.

Policy Letter 81-2, Supplement No. 1

To the Heads of Executive Departments and Establishments

Subject: Policy Guidance for the Labor Surplus Area Program

Government procurement policy should be uniform and consistent in application. The purpose of this supplementary Policy Letter is to provide a uniform amendment in response to changed conditions subsequent to OFPP Policy Letter 81-2, May 29, 1981 (45 FR 30225, June 3, 1981).

1. The Office of Federal Procurement Policy issued Policy Letter 81-2, May 29, 1981 which was published in the **Federal Register** on June 5, 1981. The Policy Letter provides uniform clarification of issues raised in connection with existing policy guidance on the labor surplus area program. Paragraph 2 covered GSA Multiple Award Schedule contracts.

2. Paragraph 2a of Policy Letter 81-2 requires GSA to "ensure that firms performing in labor surplus areas are so listed in Federal Supply Schedule." Paragraph 2b then encourages agencies to use LSA firms to the maximum extent possible when placing orders under these schedules. Paragraph 2c of the Policy Letter states, in part, that "GSA will establish Government-wide LSA targets for each agency for these schedule contracts, based on performance and future estimated potential." Paragraph 2d states, in part, that: "Each agency will report its individual performance on the basis of actual obligations under these schedules."

3. With respect to paragraphs 2a and 2b, GSA advises that it is not feasible to indicate in the schedules whether an item was manufactured in a labor surplus area. As to paragraphs 2c and 2d, starting with Fiscal Year 1981, purchases by agencies against GSA Schedules are not to be counted as awards in fulfillment of their LSA targets.

4. Accordingly, paragraph 2 of OFPP Policy Letter 81-2, May 29, 1981, is deleted in its entirety.

5. Paragraph 1b of Policy Letter 81-2 sets forth which agency awards, resulting from set-aside programs under section 15 (d), (e), and (f) of the Small Business Act, are to be recorded in fulfillment of individual agency labor surplus area targets. The statement included in sections 1b(1)(ii) and 1(b)(1)(iii) awards under total and partial small business set-asides. Since such set-asides are not restricted to labor surplus area firms it would be inappropriate for agencies to record awards thereunder in fulfillment of targets. Accordingly, the last section of paragraph 1(b)(1) of Policy Letter 81-2 is amended to read as follows: "Contracts awarded under priorities (i), (iii) and (v) shall be recorded by departments and agencies in fulfillment of their labor surplus area targets."

Effective date: This supplementary Policy Letter is effective December 31, 1981.

Concurrence: This supplementary Policy Letter has been concurred in by the Office of Management and Budget.

Donald E. Sowle,

Admijistrator.

[FR Doc. 81-37128 Filed 12-29-81; 8:45 am]

BILLING CODE 3110-01-M

POSTAL SERVICE

Notice of Increase in Rates for Preferred-Rate Mailers Caused by Decrease in Congressional Subsidy

AGENCY: Postal Service.

ACTION: Notice of increases in preferred postage rates.

SUMMARY: This is to give notice that postage rates for preferred-rate mailers will be increased, as directed by Congress in the continuing resolution H.J. Res. 370, signed into law on December 15, 1981 (Pub. L. 97-92). The increase in postage rates is required to make up the difference between the amount of revenue forgone subsidy appropriated by Congress in Pub. L. 97-92, and the amount which is authorized to be appropriated by 39 U.S.C. 2401(c). The new rates are contained in the Appendix to this notice.

EFFECTIVE DATE: 12:01 a.m., January 10, 1982.

FOR FURTHER INFORMATION CONTACT: Don S. Allen (202)— 245-4418.

SUPPLEMENTARY INFORMATION: Section 108 of Pub. L. 97-92 sets forth the appropriation levels for the Postal Service, including an appropriation for revenue forgone on free and reduced-rate mail. The amount appropriated is less than that authorized under 39 U.S.C. 2401(c). In Pub. L. 97-92, Congress directed the Postal Service to promptly adjust preferred rates so as to recover the difference between the amount authorized to be appropriated under 39 U.S.C. 2401(c), and the amount actually appropriated. Consistent with this, the Board of Governors of the Postal Service met on December 23, 1981, and adopted the following Resolution.

In keeping with section 108 of Pub. L. 97-92, which directs the Postal Service to promptly adjust preferred rates so as to recover the difference between the amount which was authorized to be appropriated under section 2401(c) of title 39, United States Code, and the amount appropriated by Pub. L. 97-92, the rates for all preferred rate categories except second-class within-county and fourth-class library rate will be adjusted to the full step 16 (unphased) level of the Schedules contained in Appendix Two of the Governors' Decision of September 29, 1981 (46 FR 51691-92). Second-class within-county rates and fourth-class library rates will be adjusted to the step 13 level of the Schedules. The adjustments shall become effective at 12:01 a.m. on January 10, 1982.

Accordingly, effective at 12:01 a.m. on January 10, 1982, the rates for all preferred-rate categories except second-class within-county and fourth-class library rate are adjusted to the full step 16 (unphased) level of the Schedules

contained in Appendix Two of the Governors' Decision of September 29, 1981 (46 FR 51691–92). Second-class within-county rates and fourth-class library rates are adjusted to the step 13 level of the Schedules contained in Appendix Two of the Governors' Decision of September 29, 1981 (46 FR 51691–92). (39 U.S.C. 401, 403, 404, 2401(c), 3626, 3627).

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

Appendix

[In cents]

Schedule 1	
Second-Class Rates—In-County:	
Per pound	3.9
Per piece:	
Presorted to carrier route	1.9
Other	2.4
Schedule 2	
Second Class Rates—Publications of Authorized Nonprofit Organizations, Outside County:	
Editorial	8.8
Advertising:	
1 and 2	11.7
3	12.4
4	13.6
5	15.5
6	17.4
7	19.8
8	21.8
Pieces:	
A	7.1
B	5.5
C	4.5

Appendix—Continued

[In cents]

Schedule 3	
Second-Class Rates—Classroom Publications:	
Editorial	4.9
Advertising:	
1 and 2	6.5
3	7.2
4	8.5
5	10.4
6	12.5
7	14.9
8	17.0
Piece	3.0
Schedule 4	
Second-Class Rates—Regular Rate Publication Outside County:	
Science of Agriculture	
Advertising to zones 1 and 2	11.7
Limited Circulation	
A	6.0
B	4.4
C	3.9
Schedule 5	
Third-Class Rates—Nonprofit Bulk:	
Per pound [1]	27.0
Minimum per-piece:	
Required presortation	5.9
Presorted to 5-digits	5.0
Presorted to carrier route	4.0
Schedule 6	
Fourth-Class Rates—Library:	
1st pound	32.0
Each additional pound thru 7 pounds	11.0
Each additional pound	7.0

[1] Less the amount of difference between the minimum per-piece rates for required presortation and the appropriate presortation level on a per-piece basis.

[FR Doc. 81-37039 Filed 12-29-81; 8:45 am]

BILLING CODE 7710-12-M

SMALL BUSINESS ADMINISTRATION

[SBLC No. 02/B-0023]

Beneficial Funding Corp.; Issuance of Small Business Lending Company Participation Certificate

On September 8, 1981, a Notice was published in the **Federal Register** (46 FR 44951) stating that an Application has been filed with the Small Business administration pursuant to § 120.4(b) of the Regulations governing Small Business Lending Companies (13 CFR 120.4(b)) by Beneficial Funding Corporation, 1212 Avenue of the Americas, New York, New York 10036, to participate with the SBA as a Small Business Lending Company (SBLC).

Interested parties were given until the close of business on September 23, 1981, to submit their comments on the Applicant and/or its management. Only one comment was received and considered.

Notice is hereby given that after review of the Application and all other pertinent information, SBA issued Small Business Lending Company Participation Agreement No. SBLC No. 02/B-0023 to Beneficial Funding Corporation to operate as an SBLC on this date.

(Catalog of Federal Domestic Programs No. 59.012, Small Business Loans)

Dated: December 17, 1981.

Michael Cardenas,

Administrator.

[FR Doc. 81-37140 Filed 12-29-81; 8:45 am]

BILLING CODE 8025-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 250
Wednesday, December 30, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Federal Crop Insurance Corporation	1
Federal Deposit Insurance Corporation	2, 3
Securities and Exchange Commission	4

1

FEDERAL CROP INSURANCE CORPORATION

[NOM-82-1]

TIME AND DATE: 8:30 a.m., Monday, January 4-5, 1982.

PLACE: Room 201-W, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Regulations for insuring peanuts.
2. Expansion of soybean insurance.
3. Creation of two Vice President positions.
4. Debt Management policy.

CONTACT PERSON FOR MORE INFORMATION: Peter F. Cole, Secretary, 202-447-3325.

Dated: December 23, 1981.

Federal Crop Insurance Corporation.

Peter F. Cole,

Secretary.

[S-1939-81 Filed 12-28-81; 10:46 am]

BILLING CODE 3410-08-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, January 4, 1982, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be move to the discussion agenda.

Disposition of minutes of previous meetings.

Applications for Federal deposit insurance:

Bank of Cochise, a proposed new bank, to be located at the southeast corner of Carmichael Avenue and Wilcox Drive, Sierra Vista, Arizona.

Redding Bank of Commerce, a proposed new bank, to be located at the southwest corner of East and Placer Streets, Redding, California.

Application for Federal deposit insurance and for consent to exercise full trust powers:

Union Trust Company, an operating noninsured bank, located at 250 Tanca Street, Old San Juan, Puerto Rico.

Request for an extension of time to establish a branch:

Bank of Clarksville, Clarksville, Tennessee, for an extension of time within which to establish its proposed Hillsdale Branch to be located at 1734 Memorial Drive, Clarksville, Tennessee.

Request for modification of a previously imposed condition of an order issued pursuant to section 18(c) of the Federal Deposit Insurance Act:

American Pacific State Bank, Los Angeles (P.O. Sun Valley), California, in connection with its proposed acquisition of a portion of the assets of and assumption of the liability to pay a portion of the deposits made in the Granada Hills Branch of Manufacturers Bank, Los Angeles, California.

Recommendations regarding he liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,983-L—The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee

Case No. 45,046-L—The Hamilton Bank and Trust Company, Atlanta, Georgia; and The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee

Memorandum and Resolution re: Final amendments to Part 327 of the Corporation's rules and regulations, entitled "Assessments," which would (1) require insured banks to pay interest on delinquent assessment payments owed to the Corporation if the delinquencies are not caused by the Corporation, and (2) require the Corporation to pay interest on assessment overpayments by insured banks if the overpayments are caused by the Corporation.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications or requests approved by the Director or Associate Director of the Division and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Report of the Director, Division of Liquidation:

Memorandum re: Reports Required Under Delegated Authority Release of Collateral for Fair Market Value

Discussion Agenda:

No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: December 28, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1941-81 Filed 12-28-81; 3:44 pm]

BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of agency meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, January 4, 1982, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Application for assistance under section 13(c) of the Federal Deposit Insurance Act:

Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8) and (c)(9)(A)(ii)).

Requests for relief from adjustment for violations of Regulation Z:

Names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act"(5 U.S.C. 552b(c)(8) and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalities) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Applications for consent to establish a branch:

The Howard Savings Bank, Newark, New Jersey, for consent to establish a Branch at the northwest corner of Bay Avenue and Hooper Avenue, Dover Township, New Jersey.

Industrial Valley Bank and Trust Company, Jenkintown, Pennsylvania, for consent to establish a branch at 161 West DeKalb Pike, King of Prussia, Pennsylvania.

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsection (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: December 28, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1942-81 Filed 12-28-81; 3:45pm]

BILLING CODE 6714-01-M

4

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be published.

STATUS: Open meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Thursday, December 17, 1981.

CHANGES IN THE MEETING: Deletion. The following item was not considered at an open meeting scheduled for Wednesday, December 23, 1981, at 9:00 a.m.

Consideration of what response to make to the request of the Senate Governmental Affairs Committee for the Commission's comments on S. 1601, the "Regulatory Mediation Act of 1981." For further information, please contact Ann A. Stansbury at (202) 272–2427.

Chairman Shad and Commissioners Loomis, Evans, Thomas, and Longstreth determined by vote that Commission business required the above change and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Arthur C. Delibert at (202) 272–2467.

December 28, 1981.

[S-1940-81; Filed 12-28-81; 3:43 pm]

BILLING CODE 8010-01-M

federal register

Wednesday
December 30, 1981

Part II

Department of Agriculture

Federal Grain Inspection Service

Official Inspection Services; Designations of Agencies

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

Request for Comments on Applicants for Designation in the Areas Currently Assigned to Denver Grain Exchange Association, Inc., Lincoln Inspection Service, Inc., and Omaha Grain Inspection Service, Inc.

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice requests comments from interested parties on the applicants for designation as the official agency in the areas currently assigned to the Denver Grain Exchange Association, Inc. (Denver), Lincoln Inspection Service, Inc. (Lincoln), and Omaha Grain Inspection Service, Inc. (Omaha). The three designations terminate effective 12 p.m., April 30, 1982.

DATE: Comments to be postmarked on or before March 1, 1982.

DATES: Comments must be submitted in writing, in duplicate, to Lewis Lebakken, Jr., Regulations and Directives Management Staff, Federal Grain Inspection Service, U.S. Department of Agriculture, Room 1642, South Building, 1400 Independence Avenue, SW., Washington, DC 20250, telephone (202) 447-9172. All comments received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., telephone (202) 447-9172.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Secretary's Memorandum 1512-1; therefore the Executive Order and Secretary's Memorandum do not apply to this action.

The October 30, 1981, issue of the **Federal Register** (46 FR 54064) contained a notice from the Federal Grain Inspection Service (FGIS) requesting applications for designation to perform official inspection services under the U.S. Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (Act), in the areas currently assigned to Denver, Lincoln, and Omaha, respectively. Applications were to be postmarked by November 30, 1981.

One applicant requested designation for all of the gegraphic area currently assigned to Denver. That applicant is the Denver Grain Exchange Association, Inc., Commerce City, Colorado. Denver applied for a renewal of designation for an additional 3-year period.

One applicant requested designation for all of the geographic area currently assigned to Lincoln. That applicant is the Lincoln Inspection Service, Inc., Lincoln, Nebraska. Lincoln applied for a renewal of designation for an additional 3-year period.

One applicant requested designation for all of the geographic area currently assigned to Omaha. That applicant is the Omaha Grain Inspection Service, Inc., Omaha, Nebraska. Omaha applied for a renewal of designation for an additional 3-year period.

In accordance with § 800.206(b)(2) of the regulations under the Act, this notice provides interested persons the opportunity to present their views and comments concerning the applicants. All comments must be submitted to the Regulations and Directives Management Staff, specified in the address section of this notice, and postmarked not later than March 1, 1982.

Consideration will be given to all comments filed and to all other information available to the Administrator of FGIS before a final decision is made with respect to this matter. Notice of the final decision is made with respect to this matter. Notice of the final decision will be published in the **Federal Register** and the applicants will be informed of the decision in writing.

(Sec. 8, Pub. L. 94-582, 90 Stat. 2873 (7 U.S.C. 79))

Dated: December 15, 1981.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 81-36419 Filed 12-29-81; 8:45 am]

BILLING CODE 3410-EN-M

Termination of Designations of the Sioux City Inspection and Weighing Agency, Inc., and A. V. Tischer and Son, Inc.

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces that the designations of two official agencies will terminate on June 30, 1982, and requests applications from parties interested in being designated as agencies to conduct official inspection services in the geographic areas currently serviced by each of the two present agencies. The two official agencies are the Sioux City Inspection and Weighing Agency, Inc., and A. V. Tischer and Son, Inc.

DATE: Applications to be postmarked on or before January 29, 1982.

ADDRESS: James R. Conrad, Chief, Regulatory Branch, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 2405 Auditors Building, Washington, DC 20250, telephone (202) 447-8525.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447-8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Secretary's Memorandum 1512-1; therefore the Executive Order and Secretary's Memorandum do not apply to this action.

Section 7(f)(1) of the U.S. Grain Standards Act, as amended (7 U.S.C. 71, *et seq.*, at 79(f)(1)) (Act), specifies that the Administrator of the Federal Grain Inspection Service is authorized, upon application by any qualified agency or person, to designate such agency or person to perform official inspection services after a determination is made that the applicant is better able than any other applicant to provide official inspection services in an assigned geographic area.

The Sioux City Inspection and Weighing Agency, Inc. (Sioux City), 310 S. Floyd Boulevard, Room 302, Sioux City, Iowa 51101, was designated as an official agency under the Act for the performance of official grain inspection functions on May 1, 1979. A. V. Tischer and Son, Inc. (Tischer), 137 10th Street, NW., P.O. Box 339, Fort Dodge, Iowa 50501, was designated as an official agency under the Act for the performance of official grain inspection functions on February 1, 1979. The two agencies' designations will terminate on June 30, 1982. This date reflects administrative extensions of official agency designations as discussed in the July 16, 1979, issue of the **Federal Register** (44 FR 41275). Section 7(g)(1) of the Act states generally that designations of official agencies shall terminate no later than triennially and may be renewed in accordance with the criteria and procedures prescribed in the Act.

The geographic area presently assigned to Sioux City in the States of Iowa, Nebraska, and South Dakota pursuant to section 7(f)(2) of the Act and which is the geographic area that may be assigned to the applicant selected for designation is the following:

In Iowa, the area shall be:

Bounded: on the North by the northern Iowa State line from the Big Sioux River east to U.S. Route 59;

Bounded: on the East by U.S. Route 59 south to B24; B24 east to the eastern O'Brien County line; the O'Brien County line south; the northern Buena Vista County line east to U.S. Route 71; U.S. Route 71 south to the southern Sac County line;

Bounded: on the South by the Sac and Ida County lines; the eastern Monona County line south to State Route 37; State Route 37 west to State Route 175; State Route 175 west to the Missouri River; and

Bounded: on the West by the Missouri River north to the Big Sioux River; the Big Sioux River north to the northern Iowa State line.

In Nebraska the area includes Cedar, Dakota, Dixon, and Thurston Counties, and Pierce County north of U.S. Route 20 and west of U.S. Route 81.

In South Dakota the area shall be:

Bounded: on the North by State Route 44 (U.S. 18) east to State Route 11; State Route 11 south to A54B; A54B east to the Big Sioux River;

Bounded: on the East by the Big Sioux River; and

Bounded: on the South and West by the Missouri River.

Also, the following locations which are outside of the foregoing contiguous area, and which are presently assigned to Sioux City and which are part of the geographic area that may be assigned to the applicant selected for designation are:

1. Charter Oak Grain & Seed and Delanty Grain Company, Charter Oak, Iowa, in Crawford County;

2. Gooch Seed Mill and Ernie's Seed & Field Service, Storm Lake, Iowa, in Buena Vista County; and

3. Farmers Elevator Company and Feeders Mill & Elevator, Inc., Platte, South Dakota, in Charles Mix County.

The geographic area presently assigned to Tischer in the State of Iowa pursuant to Section 7(f)(2) of the Act and which is the geographic area that may be assigned to the applicant selected for designation is the following:

In Iowa, the area shall be:

Bounded: on the North by the Iowa-Minnesota State line from U.S. Route 71 east to U.S. Route 169;

Bounded: on the East by U.S. Route 169 south to State Route 9; State Route 9 west to U.S. Route 169; U.S. Route 169 south to the northern Humboldt County line; the Humboldt County line east to State Route 17; State Route 17 south to C54; C54 east to U.S. Route 69; U.S. Route 69 south to the northern Hamilton County line; the Hamilton County line west to R38; R38 south to U.S. Route 20; U.S. Route 20 west to the eastern and southern Webster County lines to U.S. Route 169; U.S. Route 169 south to E18; E18 west to the eastern Greene County line; the Greene County line south to U.S. Route 30;

Bounded: on the South by U.S. Route 30 west to E53; E53 west to N44; N44 north to U.S. Route 30; U.S. Route 30 west to U.S. Route 71; and

Bounded: on the West by U.S. Route 71 north to the Iowa-Minnesota State line.

Also, the following locations which are outside of the foregoing contiguous area, and which are presently assigned to Tischer and which are part of the geographic area that may be assigned to the applicant selected for designation are:

1. Cargill, Inc., Algona, Iowa, in Kossuth County;

2. Farmers Coop Elevator, Boxholm, Iowa, in Boone County;

3. Big Six Elevator, Burt, Iowa, in Kossuth County;

4. Farmers Elevator, Goldfield, Iowa, in Wright County; and

5. Farmers Coop Elevator, Holmes, Iowa, in Wright County.

Exceptions to the described geographic area are the following locations situated inside Tischer's area which have been and will continue to be serviced by the following official agencies:

1. Farmers Coop Company, Eagle Grove, Iowa, in Wright County to be serviced by the D. R. Schaal Agency; and

2. Gooch Seed Mill and Ernie's Seed & Field Service, Storm Lake, Iowa, in Buena Vista County to be serviced by Sioux City Inspection and Weighing Agency, Inc.

Interested parties, including Sioux City and Tischer, are hereby given opportunity to apply for designation as the official agency for each respective specified geographic area, as described above, under the provisions of section 7(f) of the Act and § 800.196(b) of the regulations issued thereunder. The designations in each specified geographic area are for the period beginning July 1, 1982, and terminating June 30, 1985. Parties wishing to apply for any of these designations should contact the Chief, Regulatory Branch, Compliance Division, at the address listed above for appropriate forms and information. Applications must be postmarked not later than January 29, 1982 to be eligible for consideration.

In making a determination as to which applicant will be designated to provide official inspection service in the geographic areas, consideration will be given to all applications submitted and all other information available to the Administrator. All applications submitted pursuant to this notice will be available for public inspection at the Regulatory Branch, Compliance Division, during regular business hours.

(Sec. 8, Pub. L. 94-582, 90 Stat. 2873 (7 U.S.C. 79))

Dated: December 15, 1981.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 81-36420 Filed 12-29-81; 8:45 am]

BILLING CODE 3410-EN-M

Renewals of Designation of the California Department of Food and Agriculture and the Washington Department of Agriculture

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces the renewals of designation of the California Department of Food and Agriculture (California) and the Washington Department of Agriculture (Washington) as official agencies responsible for providing grain inspection and weighing services under the U.S. Grain Standards Act (7 U.S.C. 71, *et seq.*) (Act).

EFFECTIVE DATE: February 1, 1982.

ADDRESS: James R. Conrad, Chief, Regulatory Branch, Compliance Division, Federal Grain Inspection Service, U.S. Depatment of Agriculture, 1400 Independence Avenue, SW., Room 2405 Auditors Building, Washington, DC 20250, telephone (202) 447-8525.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447-8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Secretary's Memorandum 1512-1; therefore the Executive Order and Secretary's Memorandum do not apply to this action.

The August 4, 1981, issue of the **Federal Register** (46 FR 39775) contained a notice from the Federal Grain Inspection Service (FGIS) announcing that the designations of California and Washington were terminating on January 31, 1982, and requesting applications for designation as the agency to provide official inspection and weighing services within each specified assigned area. Applications were to be postmarked by September 3, 1981.

FGIS announced the names of the applicants for designation for each of the two agencies and requested comments on the applicants in the October 1, 1981, issue of the **Federal**

Register (46 FR 48419). Comments were to be postmarked by November 2, 1981.

One favorable comment was received regarding the renewal of designation of California (the only applicant) as the official agency in the area cited in the August 4, 1981, issue of the Federal Register.

After considering all available information in relation to the criteria for designation in section 7(f)(1)(A) of the Act, and in accordance with section 7(f)(1)(B), it has been determined that California is able to provide official services in the geographic area for which its designation is being renewed. This assigned area is the entire geographic area as described in the August 4, 1981, issue of the Federal Register.

No comments were received regarding the renewal of designation of Washington (the only applicant) as the official agency in the area as cited in the August 4, 1981, issue of the Federal Register.

After considering all available information in relation to the criteria for designation in section 7(f)(1)(A) of the Act, and in accordance with section 7(f)(1)(B), it has been determined that Washington is able to provide official services in the geographic area for which its designation is being renewed. This assigned area is the entire geographic area as described in the August 4, 1981, issue of the Federal Register.

Effective February 1, 1982, the responsibility for providing official inspection services in each geographic area as specified above will be assigned to California and Washington, respectively. Designations of each of the two agencies will terminate January 31, 1985.

A specified service point for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of official inspection and where the agency or one or more of its licensed inspectors is located. In addition to the specified service points within the assigned geographic area, the agencies will provide official inspection services not requiring a licensed inspector to all other areas within their geographic area.

Interested persons may obtain a list of the specified service points by contacting the specific agencies at the following addresses:

California Department of Food and Agriculture, 1220 N. Street, Room A–150, Sacramento, CA 95823

Washington Department of Agriculture, 406 General Administration Building, Olympia, WA 98504

Interested persons may also contact the Regulatory Branch at the address listed above to obtain the information concerning specified service points.

(Sec. 8, Sec. 9, Pub. L. 94–582, 90 Stat. 2873, 2875 (7 U.S.C. 79, 79a))

Dated: December 15, 1981.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 81-36418 Filed 12-29-81; 8:45 am]

BILLING CODE 3410-EN-M

federal register

Wednesday
December 30, 1981

Part III

Panama Canal Commission

Revised Shipping and Navigation Rules for the Panama Canal

PANAMA CANAL COMMISSION

35 CFR Ch. I

Revised Shipping and Navigation Rules for the Panama Canal

AGENCY: Panama Canal Commission.

ACTION: Final rule.

SUMMARY: Upon entry into force on October 1, 1979, of the Panama Canal Treaty of 1977, the United States relinquished and Panama assumed plenary jurisdiction over what was the Canal Zone. Under the Panama Canal Act of 1979, the statute implementing the new treaty, the Canal Zone Government was disestablished and the Panama Canal Company was replaced by the Panama Canal Commission, which will operate the waterway until the termination of the treaty of December 31, 1999. This rule contains the regulations of the Commission relating to shipping and navigation in the Panama Canal.

DATE: These rules are effective December 30, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Rhode, Jr., Secretary, Panama Canal Commission, (202) 724–0104, or Mr. Dwight A. McKabney, General Counsel, Panama Canal Commission, Telephone in Balboa Heights, Republic of Panama 52–7511.

SUPPLEMENTARY INFORMATION:

On November 27, 1981, a notice of proposed rulemaking was published in the **Federal Register** (46 FR 57915) setting forth revisions to the shipping and navigation regulations of the Commission. The vast majority of the proposed changes were designed to eliminate references to functions which, as a result of the Panama Canal Treaty of 1977 between the United States and the Republic of Panama and the legislation implementing the terms of that international accord, are no longer the responsibility of the Canal agency. The revised regulations reflect the organization, structure and responsibilities of the Panama Canal Commission. Among the substantive changes, some provisions were added to fill gaps in the former rules, while others were intended to incorporate into formal regulations existing requirements which, to date, have been published in Marine Director's Notices to Shipping. Finally, other changes clarified and simplified the regulations and made the wording of the sections uniform.

Interested parties were given the opportunity to submit comments by December 20, 1981.

A. All comments with respect to the proposed revision were given due consideration. In addition to the correction of typographical errors and language changes for clarification, the following changes in the revised rules are made:

1. Section 101.10(a) is reworded for clarification purposes and to eliminate items (9)—"Report of structural alterations and of changes in use of tanks or other spaces since last transit" and (11)—"Declaration as to vessel's port(s) of departure, destination, and ports of call, within the last three months, with the corresponding actual or approximate dates" among the list of documents that must be ready for delivery to the Commission's boarding officer upon the arrival of a vessel at the Canal.

2. Section 119.10 is revised to indicate that proficiency in English of applicants for licenses will be determined by the Supervisory Language Training Instructor of the Office of Personnel Administration rather than the Marine Bureau Committee as had been stated in the proposed revision.

3. In order to be consistent with § 119.16(c), § 119.17(e) is revised to exempt applicants for renewal of license as engineer from the requirement that they be certified as having normal color sense.

4. Section 103.6(d), which establishes the minimum draft requirements for transiting vessels, is amended in accordance with the suggestion of Bethlehem Steel Corporation to permit some exceptions to the requirements. A new paragraph (4) is added to § 103.6(d) to provide that a vessel whose ballast draft does not meet the minimum draft requirements established by the section may obtain permission to transit at the discretion of the Canal authorities on a regular basis or on a one-time basis. Such permission to transit may be granted after the operator of the vessel has submitted certain information, specified in the regulation, that relates to the vessel's suitability for transit. When a single transit is authorized, the Canal authorities may impose any special conditions that may be required for reasons of safety or continuance of regular Canal operations. Consequently, the words "having a draft of less than the minimum authorized draft provided in paragraph (d) of this section or one * * *" are deleted from the proposed revision of § 103.6(h), to delete the proposed provision which would have allowed vessels whose ballast draft do not meet the minimum requirements to transit only on a one-time basis.

B. Certain other recommendations have been carefully considered but have not been accepted. The following suggestions were not adopted for the reasons assigned:

1. It has been recommended that § 101.13, which authorizes the Marine Director to deny entry to a vessel for failure to comply with Panama Canal regulations, be revised to delimit that authorization for fear that it could be used at some future time to justify the exclusion of vessels under certain flags from the Canal for political or other reasons. This concern is not deemed valid inasmuch as the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal signed by the United States and the Republic of Panama on September 7, 1977 provides that the waterway shall remain permanently neutral and open to peaceful transit by the vessels of all nations on terms of entire equality and precludes any discrimination against any nation or its citizens or subjects in the application of rules and regulations governing navigation through the Panama Canal.

2. The authority extended to the Chief, Navigation Division or his designee by § 109.6 for determining if vessels arriving for transit are properly equipped and for approving new construction requirements for vessels utilizing the Panama Canal is deemed necessary for reasons of safety in view of the peculiar characteristics of this waterway. Therefore, while the requirements of the International Convention for Safety of Life at Sea or other international agreements currently in force are taken into account in determining whether a vessel is acceptable for transit of the Canal, the Commission reserves the right to impose a more rigid standard if that is necessary for safety reasons.

3. The recommendation that § 113.1 be amended to state specifically that vessels meeting the hazardous cargo requirements of the Intergovernmental Maritime Consultative Organization (IMCO) shall be considered as meeting the Panama Canal requirements, is rejected. Although no specific mention of IMCO is made in § 113.1(a), it provides that definitions and classification of dangerous cargoes established by international regulatory authorities, which would include IMCO, are acceptable to the Canal authorities. Furthermore, § 113.22 provides that a vessel that is in compliance with the regulations of the United States or of other national or international regulatory authorities meeting IMCO standards, provided the vessel is acceptable for entering waters over which the U.S. Coast Guard has jurisdiction, will be acceptable for

transit of the Panama Canal. In view of the foregoing provisions, we think it is unnecessary to mention IMCO specifically in § 113.1.

4. A recommendation that the regulations provide for the suspension and revocation of licenses of marine personnel is rejected. We note that, under existing regulations (§ 119.4(e)), the revocation and suspension of license provisions are not applicable to marine personnel employed by the Commission. Inasmuch as, under the revised regulations, marine licenses will be issued only to Commission personnel, and employees of other U.S. Government agencies operating in the Canal, the deletion of the licensing revocation and suspension provisions, does not represent a change in the policy of the agency.

5. It was mistakenly suggested that the revised regulations deleted the vision and color sight test requirement for original license issuance. Such a requirement, however, is included in § 119.12(a).

6. It was erroneously suggested that the revised regulations deleted the requirement for examination of candidates for pilot's license. While the list of subjects to be tested upon examination provided by § 119.142 is being deleted, the requirement that candidates pass written and practical examinations is contained in the revised §119.14.

7. It has been recommended that the definition of an "integrated tug-barge combination" provided in § 103.6(a)(5) be revised to agree with 33 CFR 157.03(ee) and with the "Navigation and Vessel Inspection Circular No. 2–81." This recommendation is rejected on the grounds that the definition provided in § 103.6(a)(5), although somewhat simplistic and not containing the concept of a rigid mechanical connection, is certainly adequate and probably less susceptible of misinterpretation.

8. It has been suggested that, in order to be consistent throughout the regulations in the use of the word "length", the table of minimum drafts provided in § 103.6(d)(1) be revised to state "maximum length" as is stated in § 103.6(e). This recommendation is rejected as unnecessary.

9. It has been recommended that the regulations use metric measurements throughout. The change is not warranted at this time and the recommendation is rejected. It will, however, be given further consideration in future revisions of 35 CFR.

Accordingly, Subchapter C of Chapter I of title 35, Code of Federal Regulations is revised as set forth below.

OMB Clearance: In accordance with the Paperwork Reduction Act of 1980, (44 U.S.C. 3507), the reporting or recordkeeping provisions that are included in this final rule have been approved by the Office of Management and Budget (OMB). The control number is 3207–0001.

D. P. McAuliffe,
Administrator.

1. Part 101 heading is revised as follows:

PART 101—ARRIVING AND DEPARTING VESSELS: VARIOUS COMMUNICATION, DOCUMENTATION, SANITATION AND ADMEASUREMENT REQUIREMENTS

2. Part 101 Table of contents is revised as follows:

Sec.
101.1 Signal stations at the Canal entrances.
101.2 Boarding of arriving vessels.
101.3 Definition and functions of the boarding officer.
101.4 Measurement of vessel making maiden transit.
101.8 Merchant vessel and small craft anchorages.
101.9 Papers required by boarding officer.
101.10 Same; list.
101.13 Entry and departure of vessels.
101.14 Panama Canal waters; definition.

3. Authority citation is revised as follows:

Authority: Issued under authority vested in the President by sec. 1801, Pub. L. 96–70, 93 Stat. 492; EO 12215, 45 FR 36043.

4. Section 101.1 is revised as follows:

§ 101.1 Signal stations at the Canal entrances.

The Panama Canal Commission maintains established signal stations at both the Atlantic and Pacific entrances of the Canal. A vessel arriving at the Canal must communicate with the signal station which is located at the entrance of the Canal at which that vessel arrives. Vessels required to be equipped with a radiotelephone pursuant to Part 123 of this subchapter must, upon arrival, communicate with the appropriate signal station on Channel 12, 156.000 MHz. All other vessels may use International Code and flashing light. Such stations are also utilized to assist in control of traffic within Panama Canal waters.

5. The cross reference which follows § 101.1 is revised as follows:

Cross Reference: See Part 123 for provisions respecting radio communication by vessels prior to arrival and while they are in Panama Canal waters.

6. Section 101.2 is revised as follows:

§ 101.2 Boarding of arriving vessels.

(a) Unless otherwise directed, all arriving vessels will anchor in designated anchorages to await boarding officers. No person other than boarding officers of the Panama Canal Commission and the Republic of Panama may go on board or leave any vessel until such vessel has been entered by the Commission and, where applicable, by the Republic of Panama.

(b) Arriving vessels that are subject to inspection for compliance with Panama Canal shipping and navigation regulations will be boarded upon arrival. The boarding will occur inside the breakwater at the Atlantic entrance of the Canal or off the seaward end of the dredged, marked channel at the Pacific entrance. It will be performed by a Commission boarding officer in accordance with the procedures established under this Part. When such vessels are not boarded immediately upon arrival, they shall anchor in a designated anchorage area and await the boarding officer.

(c) Admeasurement functions shall be performed on arriving vessels either while at anchor or during transit.

7. Section 101.3 is revised as follows:

§ 101.3 Definitions and functions of the boarding officer.

(a) Boarding officer means any official or employee of the Panama Canal Commission who is duly assigned the functions of a boarding officer, including admeasurement and sanitation.

(b) The Commission boarding officer shall perform the functions of admeasurer for the purpose of determining Panama Canal tolls and shall make inspection for the purpose of insuring compliance with Panama Canal shipping, navigation and sanitation regulations.

§ 101.5 [Removed]

8. Section 101.5 is removed.

§ 101.6 [Removed]

9. Section 101.6 is removed.

§ 101.7 [Removed]

10. Section 101.7 is removed.

11. Section 101.8(e) is revised as follows:

§ 101.8 Merchant vessel and small craft anchorages.

* * * * *

(e) If there are any discrepancies between the designated anchorage areas as described in this section and the anchorage areas as described in paragraph 4 of Annex A of the Agreement in Implementation of Article

III of the Panama Canal Treaty of 1977 and the attachments thereto, the description in the treaty documents shall govern.

12. Section 101.9 Is revised as follows:

§ 101.9 Papers required by boarding officer.

On arrival, there shall be ready for immediate inspection or delivery, as the case may be, to the boarding officer the required number of copies of papers concerning tonnage of vessel, cargo, and such other matters upon which information is necessary, as are prescribed by § 101.10. The required manifests, lists and statements shall be sworn to by the Master or agent of the vessel. Vessels will not be permitted to transit until properly cleared by the boarding officer. Failure to present the required papers to boarding officers could result in loss of the vessel's relative position in the movement schedule and delay in granting the necessary permission to depart.

13. Section 101.10 is revised as follows:

§ 101.10 Same; list.

(a) *Documents for Commission boarding officer.* All documents listed below shall be ready for immediate delivery to the boarding officer when he boards the vessel upon each arrival of the vessel at the Canal.

Documents required and number of sets

(1) Ship's information (Panama Canal Form 4398)—1

(2) Clearance from last port—1 [1]

(3) All certificates of a sanitary nature—1 [1]

(4) Stores list—1

(5) Cargo declaration (Panama Canal Form 4363)—1 [2]

(6) Panama Canal tonnage certificate—1

(7) National Register—1 [1]

(8) General arrangement and engine room plans—1 [3]

(9) Declaration of all arms and munitions of war aboard other than explosives declared separately—2 [2, 4]

(10) Crew list (Panama Canal Form 1509)—2

(11) Passenger lists, transiting and landing (Panama Canal Forms 18 and 20)—2

(b) *Crew list.* For purposes of additional identification of crew members, all copies of the crew list required by this section shall include for each seaman the serial number of his certificate of identification, continuous discharge book, passport or other satisfactory identifying documentation. In addition, the given name and middle initial, as well as the family name, shall be shown for all seamen.

(c) *Passenger list.* All copies of the passenger list required by this section shall be accurate and legible and shall be delivered to the boarding officer. The list shall show passengers in alphabetical order.

(Control number 3207-0001)

§ 101.11 [Removed]

14. Section 101.11 is removed.

15. Section 101.13 is revised as follows:

§ 101.13 Entry and departure of vessels.

(a) An arriving vessel shall be entered at either the Pacific or Atlantic entrance. A vessel is entered by the Canal Commission authorities upon the report of the boarding officer and it is not necessary for the Master to come ashore for that purpose. At the discretion of the Marine Director, a vessel may be denied entry for failure to comply with Panama Canal regulations. In certain cases vessels may be provisionally entered. When provisional entry is granted, vessels may remain in Canal waters only under the conditions set forth in the provisional entry. Permission to enter port waters will be given by the Republic of Panama.

(b) Any vessel that has entered or has provisionally entered the Canal shall, prior to its departure therefrom, obtain permission from the Chief, Navigation Division or his designee. Permission to depart shall be issued only after the Chief, Navigation Division has satisfied himself that:

(1) All documents and statistical data required for entry or provisional entry by the Canal authorities respecting the vessel and its cargo have been furnished; and

(2) Tolls and other charges for services or supplies furnished by the Panama Canal Commission have been paid or the payment secured.

16. Section 101.14 is added as follows:

§ 101.14 Panama Canal waters; definition.

As used in this Subchapter, the term "Panama Canal waters" or "Canal waters" refers to all waters lying within the Canal operating area described in Annex A of the Agreement in Implementation of Article III of the Panama Canal Treaty of 1977 between the United States of America and the Republic of Panama and depicted in attachments thereto.

Part 103 is amended as follows:

PART 103—GENERAL PROVISIONS GOVERNING VESSELS

17. Part 103 Table of Contents is revised as follows:

Sec.
103.1 Regulations to be kept aboard.
103.2 Denial of passage to dangerous vessel.
103.3 Discovery of defect in vessel during transit or while underway.
103.4 Load and trim.
103.5 Deck load.
103.6 Size and draft limitations of vessels.
103.7 Temporary holding of vessels.
103.8 Order of transiting of vessels.
103.9 Passenger steamers given preference in transiting.
103.10 Vessels required to be equipped with certain indicators.
103.11 Vessels without mechanical signal system to engine room subject to delay in transiting.
103.12 Discharge of firearms.
103.13 Firing of salutes.
103.14 Colors and house flags.
103.15 Boarding vessels at anchor or underway.
103.16 Meals to be furnished by vessel in certain cases.
103.17 Boat for handling lines.
103.18 Pilot ladders, hoists and side ports.
103.19 Requirements for pilot platforms.
103.20 Disabling of engines.
103.21 Precautions against emission of sparks, smoke or noxious gases.
103.25 Fishing or placing of nets or other obstructions prohibited.
103.26 Obstructions not to be placed across channels or anchorages.
103.27 Clear view forward from the bridge and steering light requirement for certain vessels.
103.28 Towing of certain vessels required.
103.29 Anchoring in Panama Canal waters.
103.30 Requirements for all dead tows.
103.32 Engine orders to be recorded.
103.33 Navigation in Gaillard Cut.
103.34 Same; Control by Chief, Navigation division.
103.39 Arrow signals; locks.
103.40 Transit schedules; pennants.
103.41 Ships to display schedule number.
103.42 Maneuvering characteristics; data required.

18. Authority citation is revised as follows:

Authority: Issued under authority vested in the President by sec. 1801, Pub. L. 96-70, 93 Stat. 492; EO 12215, FR 36043.

19. Section 103.3 is revised as follows:

§ 103.3 Discovery of defect in vessel during transit or while underway.

Upon the discovery during transit of the Canal, or at any time while underway, of any defect in a vessel of such serious nature that it might interfere with further passage or with

[1] For examination and possible retention.

[2] Not required of vessels of war or auxiliary vessels as those terms are defined in the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal (September 7, 1977).

[3] Not required unless ship transits Canal.

[4] Not required unless such cargo is carried.

her safe navigation, the vessel shall stop and, if practicable, be anchored or moored at the first available place. A full report shall be made immediately to the Chief, Navigation Division or his designee by radio or by the best means available.

20. Section 103.4(b) and (c) are revised as follows:

§ 103.4 Load and Trim.

* * * * *

(b) A vessel having a list of between 3 degrees and 10 degrees, or which is so loaded or so trimmed as to adversely affect her manuverability, may be permitted to transit at the discretion of the Chief, Navigation Division or his designee. If such vessel is allowed to transit, however, it may do so only at its own risk and, to the extent and in the proportion that such failure to meet the requirements of this section proximately causes or contributes to a casualty and resulting damages, the Master of such vessel on behalf of said vessel, her owners, operators, or any other persons having any interest in her, and for himself, will be considered to have released the Panama Canal Commission and the United States from, and to have indemnified them against, any loss, damage, or liability incurred by the Commission, or the United States under or in respect to:

(1) Sections 1411 through 1416, inclusive, of Pub. L. 96–70, 93 Stat. 485–87.

(2) Property of the Panama Canal Commission or the United States; and

(3) Panama Canal Commission employees under the Federal Employees' Compensation Act, 5 U.S.C. 8101, *et seq.*, or any other employee compensation system.

The Master of the vessel that fails to meet the requirements of this section may be required to execute, in the presence of a Commission official, a form undertaking to release the Panama Canal Commission and the United States from liability in case of an accident and to indemnify the Commission and the United States for any damages sustained. The failure of the Master of a vessel to sign such a form, however, will not relieve the vessel, her owners, or any other person having an interest in her from liability incurred as a result of the vessel's failure to meet the requirements of this section.

(c) Nothing shall be done, or permitted to be done, by the Master or any member of the crew, which would alter the trim or draft of a vessel while it is transiting the Canal, without the prior, express approval of the pilot.

21. Section 103.5 is revised as follows:

§103.5 Deck load.

(a) A vessel carrying a deck load shall have it so stowed as to be sufficiently clear to provide safe working space around all chocks, bitts, and other gear used in transiting and so arranged as to not obstruct any direct lead from chocks to bitts.

(b) Vessels may transit with deck cargo protruding over one side not to exceed 15.0 feet if the maximum beam, including protrusions, does not exceed 85.0 feet. Pursuant to section 1411 of Pub. L. 96–70, 93 Stat. 485, however, the Commission may not consider any claim for damages on account of any injury to such cargo which might be sustained while the vessel is passing through the locks of the Canal.

22. Section 103.6 is revised as follows:

§ 103.6 Size and draft limitations of vessels.

(a) *Definitions as used in this section:*

(1) "TFW" means Tropical Fresh Water of Gatun Lake, density .9954 gms/cc at 85°F. (Transition to fresh water frequently alters the trim of large vessels 3" to 4" by the head.)

(2) "Published TFW maximum draft" means the deepest point of immersion in Gatun Lake waters as promulgated by the Marine Director, taking into account the water level of Gatun Lake and other limitations deemed necessary because of restrictions in the Canal.

(3) "Maximum authorized transit draft" means the deepest point of immersion in TFW of a particular vessel authorized at anytime, Gatun Lake level and Canal restrictions permitting.

(4) "Commercial vessel" means a self-propelled vessel, other than a naval, military or other public vessel.

(5) "Integrated tug-barge combination" means a barge that is specifically configured to receive a tugboat and with the tug, becomes, in effect, a single self-propelled unit.

(6) "Non-self-propelled vessel" means a vessel which either does not have an installed means of propulsion, or has an installed means of propulsion which is not functioning during transit.

(7) "Barge" means a flat-bottomed vessel of full body and heavy construction without installed means of propulsion.

(b) Maximum authorized transit draft of vessels with draft in excess of 35 feet, six inches.

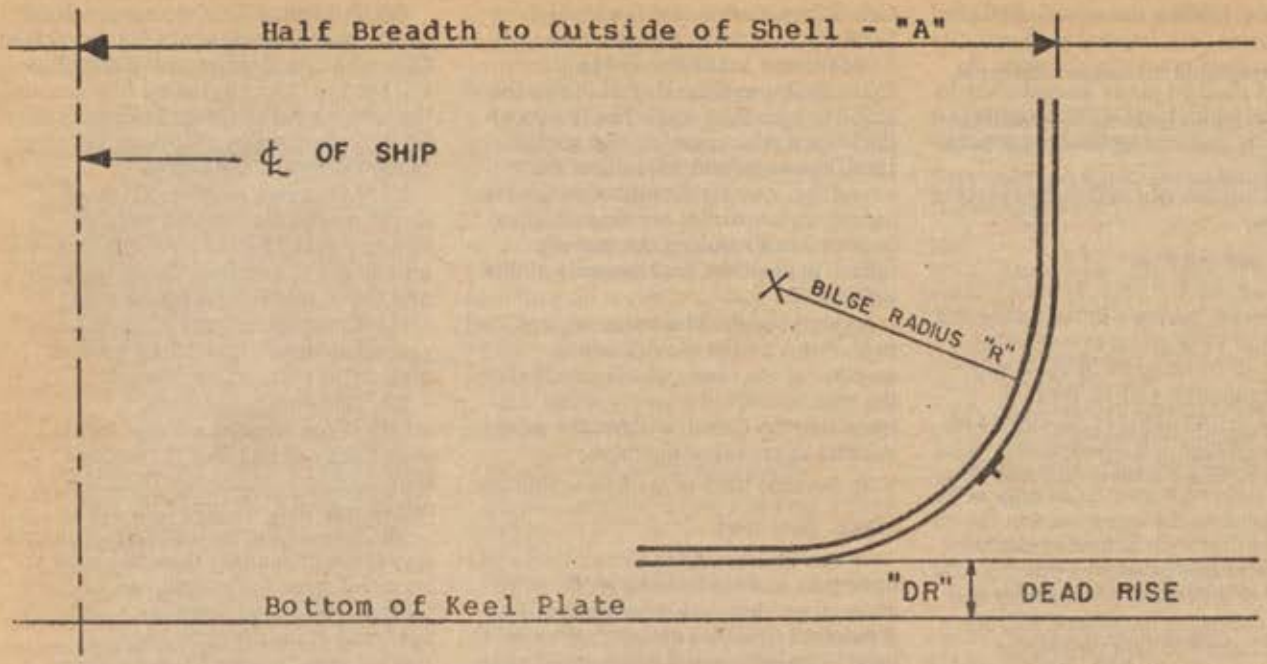
(1) Prior to the initial transit of a vessel whose transit draft will exceed 35 feet, six inches, owners, operators, or agents must supply in full the information required in subparagraph (b)(2) of this section and request the maximum authorized transit draft for the vessel (deepest point of immersion TFW) from the Chief, Navigation Division or his designee, no later than two weeks prior to loading of the vessel. This request will be returned with the approved maximum authorized transit draft stamped thereon.

(2) The information required by subparagraph (b)(1) of this section shall be submitted in the following format:

Information Needed Prior to Initial Transit Through the Panama Canal

Bilge Information

Name of vessel ———— Date ——
Authorized Tropical Fresh Water Load Line ——
Admeasurer ———— Certified as Correct ——
[Master-Owners—Agents]
(1) "A"—Half breadth of vessel to the outside of shell ————
(2) "R"—Radius of turn of bilge (Feet & Inches) ————
(3) "DR"—Dead rise at side of vessel (Inches) ————



Note.—On an off-center lockage with the vessel touching the lock wall, the turn of the bilge will clear the lock-wall batters at the most critical point as shown in the Table of Limiting Drafts, subparagraph (d)(3) of this section.

(c) *Draft during initial transit.* The initial transit is permitted at the maximum authorized transit draft. After the initial transit, unless the vessel's agent or owner is notified of any restrictions imposed by Canal authorities, this maximum authorized transit draft will remain in effect.

(d) *Minimum transit drafts, measured in salt water.*

(1) All vessels transiting the Canal must have sufficient ballast to permit safe handling during transit. The following are minimum salt water drafts (TSW) for ships anticipating transit:

Length	Minimum drafts
Up to 425'	Trimmed so pilot can see the ranges over the forecastle from center of navigation bridge.
Over 425' but not more than 475.0'.	8' forward, 14' aft, TSW.
Over 475' but not more than 525.0'.	18' forward, 20' aft, TSW.
Over 525' but not more than 580.0'.	20' forward, 22' aft, TSW.
Over 580' but not more than 625.0'.	22' forward, 24' aft, TSW.
Over 625'	24' forward, 26' aft, TSW.

(2) The vessel's drag must not adversely affect maneuverability.

(3) The following table provides the limiting drafts due to bilge radius:

TABLE OF LIMITING DRAFTS DUE TO BILGE RADIUS CONTACTING CHAMBER BATTERS

[Allows for 6-inch thick rubber fenders on lock walls at batter locations]

	Radius of turn of bilge (feet)				
	1'	2'	3'	4'	5'
0"	35'8"	36'6"	37'4"	38'2"	39'0"
1"	35'9"	35'7"	37'5"	38'3"	39'1"
2"	35'10"	36'8"	37'6"	38'4"	39'2"
3"	35'10"	36'8"	37'6"	38'5"	39'3"
4"	35'11"	36'9"	37'7"	38'5"	39'3"
5"	36'0"	36'10"	37'8"	38'6"	39'4"
6"	36'1"	36'11"	37'9"	38'7"	39'5"
7"	36'2"	37'0"	37'10"	38'8"	39'6"
8"	36'3"	37'1"	37'11"	38'10"	
9"	36'3"	37'1"	38'0"	38'10"	
10"	36'4"	37'2"	38'0"	38'10"	
11"	36'5"	37'3"	38'1"	38'11"	

Example: To find draft of ship having a radius-of-turn-of-bilge of 4'4" read across top of table to column headed 4' thence down column opposite 4 inches—Read 38'5".

Note: *Dead Rise* not included in above tabulations and must be added to above readings.

(4) A vessel whose ballast draft does not meet the minimum draft requirements established by this section may be accepted for transit on a regular basis, provided the vessel operator requests permission and submits the following information to the Marine Bureau of the Panama Canal Commission: (i) principal dimensions of the vessel; (ii) deepest attainable minimum draft (fore and aft); (iii) limitations on visibility fore and aft from the navigation bridge; (iv) necessary excerpts from the vessel's plans, drawings and maneuvering data that relate to the vessel's suitability for transit.

(5) The vessel will be inspected by the Canal authorities upon its first visit after such a request is made. If the vessel is acceptable for transit at less than the prescribed minimum draft, the operator will be notified that transit on a regular basis is authorized provided the vessel meets the special minimum draft that is specified in the notice.

(6) If the vessel is found not to be acceptable for transit on a regular basis, a single transit may be authorized, at the discretion of the Canal authorities, subject to the imposition of any special conditions that may be required for reasons of safety or continuance of regular Canal operations.

(e) *Maximum length.*

(1) The maximum length overall, including bulbous bow, for a commercial vessel acceptable for regular transit is 900.0 feet, except passenger and container ships which may be 950.0 feet in overall length.

(2) The maximum length for integrated tug-barge combination acceptable for regular transit is 900.0 feet overall, including the tug. A tug-barge combination must transit together as one unit, with the tug supplying the propelling power.

(3) The maximum aggregate overall length for non-self-propelled vessels acceptable for transit is 850.0 feet, including accompanying tugs. Accompanying tugs must lock through with the non-self-propelled vessel.

(f) *Maximum beam.*

(1) The maximum extreme beam for a commercial vessel and the integrated tug-barge combination acceptable for regular transit is 106.0 feet.

(2) In the discretion of the Chief, Navigation Division or his designee, commercial vessels, including integrated tug-barge combinations, having an extreme beam of between 106.0 and 107.0 feet may be permitted to transit on a one-time basis only if the deepest point of immersion does not exceed 37.0 feet TFW.

(3) The maximum extreme beam for non-self-propelled vessels (other than integrated tug-barge combinations) acceptable for transit is 100.0 feet.

(g) *Previous approvals and one-time transits.* Vessels approved for regular transit prior to December 20, 1976 whose maximum length or beam slightly exceed the limits set forth in paragraphs (e) and (f) may continue to transit on a regular basis. After that date, approval will not be given for transit of other commercial vessels whose extreme beam exceeds 106.0 feet by any amount, except for vessels transiting on a one-time delivery basis.

(h) *Release from liability.* If a vessel having a beam in excess of 106.0 feet is permitted to transit on a one-time basis, such vessel may do so only at its own risk and, to the extent and in proportion that such failure to meet the requirements of this section proximately causes or contributes to a casualty and resulting damages, the Master of such vessel, on behalf of said vessel, her owners, operators, or any other person having an interest in her, and for himself, will be considerd to have released the Panama Canal Commission and the United States from, and to have indemnified them against, any loss, damage or liability incurred by the Panama Canal Commission or the United States under, or in respect to:

(1) Sections 1411 through 1416, inclusive, of Pub. L. 96–70, 93 Stat. 485–87;

(2) Property of the Panama Canal Commission or the United States; and

(3) Panama Canal Commission employees under the Federal Employees' Compensation Act 5 U.S.C. 8101, *et seq.*, or any other employee compensation system.

The Master of the vessel that fails to meet the requirements of this section may be required to execute, in the presence of a Commission official, a form undertaking to release the Panama Canal Commission and the United States from liability in case of an accident and to indemnify the Commission and the United States for any damages sustained. The failure of the Master of a vessel to sign such a form, however, will not relieve the vessel, her owners, or any other person having an interest in her from liability incurred as a result of the vessel's failure to meet the requirements of this section.

(i) *Denial of transit.* A vessel shall not be permitted to transit the Canal under the following circumstances:

(1) When the vessel's maximum point of immersion exceeds its maximum authorized draft;

(2) when the vessel's maximum point of immersion exceeds the published TWF maximum draft then in effect;

(3) when the length overall, including bulbous bow, exceeds that stated in paragraph (e) of this section, unless the vessel was approved for regular transit prior to March 16, 1981; or

(4) when the extreme beam exceeds that stated in paragraph (f) of this section by any amount, unless the vessel was approved for regular transit prior to March 10, 1981.

(j) *General.*

(1) Vessels of 100.0 feet beam and over whose list, trim or handling characteristics are such as to endanger themselves, Panama Canal appurtenances or a third party, may have such further limitations placed on them as Canal authorities deem necessary to insure reasonable safety.

(2) The draft of non-self-propelled barges of 550.0 feet or more in length may be limited when, in the opinion of Canal authorities, such a limit is necessary to insure reasonable safety.

(3) Non-self-propelled vessels, other than integrated tug-barge combinations, will be accepted only on an individual basis; advance permission for initial transit as a non-self-propelled vessel is required. Displacement of these vessels is limited to 35,000 tons and the draft requirements of paragraph (d) of this section are applicable. Riding crews must be provided in sufficient numbers, as required by the Chief, Navigation Division, to safely handle towboat lines and boarding ladders, and to assist in mooring.

(4) The numerous constraints affecting the transit schedules of vessels and tows make it important that information provided in advance of the initial transit of a vessel include a capacity plan, general arrangement plans, engine room plans, and whenever possible, a photostatic copy of national register, load line certificate and Panama Canal tonnage certificate. This advance information will minimize the time spent aboard the vessel by Panama Canal officials before commencement of the initial transit.

23. Section 103.7 is revised as follows:

§ 103.7 Temporary holding of vessels.

The Canal authorities may hold a vessel for the purpose of investigating a marine accident under Parts 115 or 117 of this chapter. A vessel may also be held until, in the opinion of the Canal authorities, its tenderness, trim, list, cargo, hull, machinery, and equipment have been put into such condition as will make the vessel reasonably safe for her passage through the Canal. No claim for damages shall be allowed or considered because of any such temporary holding of vessels.

24. Section 103.10(e) is revised as follows:

§ 103.10 Vessels required to be equipped with certain indicators.

* * * * *

(e) Any vessel which fails to meet the requirements of this section may be denied transit. If the Canal authorities decide that a vessel can be handled without undue danger to equipment or to personnel, notwithstanding her failure to comply with other requirements of this section, and permit her to transit, such vessel may do so only at its own risk and, to the extent and in the proportion that such failure to meet the requirements of this section proximately causes or contributes to a casualty and resulting damages, the Master of such vessel, on behalf of said vessel, her owners, operators or any other persons having any interest in her, and for himself, will be considered to have released the Panama Canal Commission and the United States from, and to have indemnified them against, any loss, damage or liability incurred by Panama Canal Commission or the United States under, or in respect to:

(1) Sections 1411 through 1416, inclusive, of Pub. L. 96–70, 93 Stat. 485–87;

(2) Property of the Panama Canal Commission or the United States; and

(3) Panama Canal Commission employees under the Federal Employees' Compensation Act, 5 U.S.C. 8101, *et seq.*, or any other employee compensation system.

The Master of the vessel that fails to meet the requirements of this section may be required to execute, in the presence of a Commission official, a form undertaking to release the Panama Canal Commission and the United States from liability in case of an accident and to indemnify the Commission and the United States for damages sustained. The failure of the Master of a vessel to sign such a form, however, will not relieve the vessel, her owners, or any other person having an interest in her from liability incurred as a result of vessel's failure to meet the requirements of this section.

25. Section 103.12 is revised as follows:

§ 103.12 Discharge of firearms.

No firearms of any kind may be discharged from vessels while in Canal waters, except that authorized salutes by vessels of war will be permitted by prior arrangement with Canal authorities.

26. Section 103.13 is revised as follows:

§ 103.13 Firing of salutes.

Vessels of war may not fire salutes while at a Commission dock, in the locks, or in Gaillard Cut.

27. Section 103.14 is revised as follows:

§ 103.14 Colors and house flags.

During daylight, vessels in Canal waters shall display their colors and house flags.

28. Section 103.15 is revised as follows:

§ 103.15 Boarding vessels at anchor or underway.

Except for members of the Canal boarding party, pilots, Republic of Panama boarding officials, and agents, in the performance of their official duties, and such other persons as may be authorized by Canal authorities, no person, with or without the consent of the Master, may board a vessel at anchor or underway in the Canal waters.

29. Section 103.16 is revised as follows:

§ 103.16 Meals to be furnished by vessel in certain cases.

Vessels shall furnish meals to Panama Canal pilots without charge during the ship's regular meal hours and shall furnish a meal to the pilot between 2200 hours and 0400 hours if the vessel is transiting the Canal during such hours. In addition, vessels shall provide meals without charge during the ship's regular meal hours to any other Panama Canal Commission personnel, other than linehandlers, whose assignment will require them to be aboard the vessel for four or more hours. If a vessel is unable to furnish such meals, they may be furnished by the Panama Canal Commission at the expense of the vessel.

30. Section 103.18 is revised as follows:

§ 103.18 Pilot ladders, hoists and side ports.

(a) A vessel shall, weather permitting, have both an accommodation ladder and a pilot ladder rigged and ready for use upon arrival in Canal waters.

(b) The pilot ladder shall be constructed and rigged in accordance with Regulation 17, Chapter V, International Convention for Safety of Life at Sea, 1974, TIAS 9700, except that:

(c) When the distance from the water line to the point of access of the vessel exceeds nine meters or 30 feet, a combination pilot ladder and short brow accommodation ladder must be provided for boarding purposes.

(d) A mechanical pilot hoist may be used for boarding officials and pilots only at their discretion, and provided that the design and construction of the hoist and ancillary equipment are in accordance with Regulation 17, Chapter V, International Convention for Safety of Life at Sea, 1974.

(e) When a mechanical pilot hoist is used, a ring buoy fitted with a lifeline and self-igniting light shall be available and ready for immediate use. The pilot ladder required by § 103.18(a) shall be in close proximity to the pilot hoist, ready for immediate use but lashed up so as not to interfere with the pilot hoist.

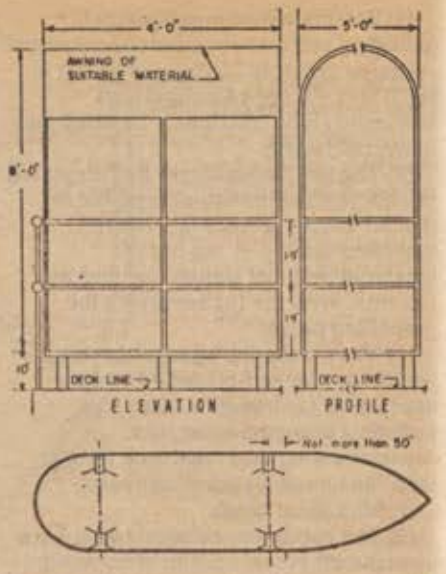
(f) When the side ports are used for boarding, the minimum vertical distance between the waterline and the bottom of the side port at any draft shall be six feet.

31. Section 103.19 is revised as follows:

§ 103.19 Requirements for pilot platforms.

(a) Any vessel that, in accordance with Panama Canal operation standards, is required to have four pilots aboard, shall provide suitable pilot platforms for the assisting pilots. The purpose for the pilot platforms is to provide shelters from sun and rain for pilots working near the bow or the stern of a vessel and to provide adequate visibility around the Locks in order to reduce the danger of damage.

(b) The following is a sketch of a simplified pilot platform which is acceptable to the Panama Canal Commission:



(c) Each platform is to be erected over the furthest forward point of the extreme beam at the waterline and not more than six inches from the vertical plane of shell plating. For vessels of unorthodox design requiring aft platforms, they shall be erected at a position which is approximately over the aftermost point of extreme beam at the waterline and not more than six inches inboard from the vertical plane of shell plating.

(d) The awning indicated in the sketch in paragraph (b) of this section is to be made of suitable material to provide shelter from sun and rain. The deck of the pilot's platform is to be made of wood or other material with non-skid surface.

32. Section 103.20 is revised as follows:

§ 103.20 Disabling of engines.

Except when specifically authorized by the Canal authorities, no vessel at any dock or mooring within Canal waters shall have its engines disabled or otherwise rendered inoperative.

33. Section 103.21 is revised as follows:

§ 103.21 Precautions against emission of sparks, smoke or noxious gases.

Vessels in Canal waters shall take all necessary precautions to avoid the issuance of sparks, excessive smoke, or noxious gases.

§ 103.22 [Removed]

34. Section 103.22 is removed.

§ 103.23 [Removed]

35. Section 103.23 is removed.

§ 103.24 [Removed]

36. Section 103.24 is removed.

37. Section 103.25 is revised as follows:

§ 103.25 Fishing or placing of nets or other obstructions prohibited.

No fishing nets or other obstructions shall be placed in any of the navigable waters of the Panama Canal. Fishing boats shall not anchor for the purpose of fishing nor haul nets or trawls in the anchorages or navigable channels of the Canal. Fishing from small craft in the anchorages or navigable channels of the Canal is prohibited.

38. Section 103.26 is revised as follows:

§ 103.26 Obstructions not to be placed across channels or anchorages.

No line, pipe, or other obstruction shall be passed across any channel or anchorage so as to obstruct the passage of vessels.

39. Section 103.27 (a), (b), (c) and (e) are revised as follows:

§ 103.27 Clear view forward from the bridge and steering light requirement for certain vessels.

(a) A vessel may not be navigated in Canal waters unless there is a clear, unobstructed view from the bridge.

(b) Vessels having a distance from the bridge to the stern of 250 feet or more shall have installed, at or near the stem, a steering range equipped with a fixed blue light which shall be clearly visible from the bridge along the centerline. If said range and light so placed would be partially or completely obstructed, then two such ranges and lights must be installed at an equal distance from the centerline and shall be clearly visible from the bridge along lines parallel to the keel.

(c) Naval or military vessels exempted from the requirements of Part 111 of this chapter shall also be exempt from the requirements of paragraphs (b), (d), and (e) of this section.

* * * * *

(e) The use of this steering light shall be at the discretion of the Panama Canal pilot who has control of the navigation and movement of the vessel.

40. Section 103.28 is revised as follows:

§ 103.28 Towing of certain vessels required.

A vessel arriving at an entrance to the Canal and having a mean draft in excess of that allowed under the Load Line Regulations for the tropical zone, applicable for the voyage on which the vessel is engaged, as determined by the American Bureau of Shipping, Lloyd's Register or other acceptable certifying agency, is required to take the services of a Panama Canal tug or tugs from the Pacific entrance Channel Buoys 1 and 2 to Gamboa Reach, from the north end of Gatun Locks to Buoy 3 in the Atlantic harbor, and vice versa. However, in the instances where the overdraft is negligable, the assignment of a tug or tugs may be waived at the discretion of the Chief, Navigation Division or his designee. Any vessel without mechanical motive power, or the machinery of which is or becomes disabled, or which steers badly, or which is liable to become unmanageable for any reason, shall be towed through the Canal. The Canal authorities may require any vessel to take a tug or tugs through Gaillard Cut, in the approaches to the locks, or in any other part of the Canal, when in their judgment such action is necessary to insure reasonable safety to the vessel or to the Canal and its appurtenances. The tug service in any of these cases shall be chargeable to the vessel. The Master of a vessel which steers badly, or which is liable to become unmanageable for any reason, shall report such fact and request the services of a tug.

41. Section 103.29 is revised as follows:

§ 103.29 Anchoring in Panama Canal waters.

No vessel shall anchor within the navigable waters of the Canal in other than a designated anchorage, except in an emergency, and no craft shall tie up to any aid-to-navigation in Canal waters.

42. Section 103.30 is revised as follows:

§ 103.30 Requirements for all dead tows.

(a) *Preparation for Transit.*

(1) Upon arrival, the tug will break up the tow and secure the bridle so that no part of it extends below the surface of the water.

(2) Tows shall have the capability of anchoring.

(3) Tows will be inspected before being scheduled for transit.

(4) Agents, operators and owners will be responsible for making any required alterations or additions to equipment or stowage.

(5) Boarding facilities will comply with Regulation 17, Chapter V, International Convention for Safety of Life at Sea, 1974, TIAS 9700. There must be a clear passage, free of obstructions, from the boarding facility to all working areas, otherwise, catwalks with handrails and steps must be provided.

(6) The working area near chocks and bitts on all dead tows must be clear of obstructions and fitted with safety rails or lines at the vessel's sides.

(b) *Transit requirements.*

(1) Tows must provide a pilot shelter with a clear view forward, on the center line, approximately midway between the bow and stern. This shelter may be permanent or portable, but must protect the pilot from the elements. All tows with a beam in excess of 79.9 feet shall provide, in addition to the center line shelter, pilot shelters at the extreme beams from which the pilots may readily view the vessel's sides.

(2) Dead tows must be equipped with the chocks and bitts as set forth in § 109.6 of this chapter.

(3) Tows must provide mooring and heaving lines and have mooring arrangements, and bitts or cleats for securing tugs that do not interfere with those chocks and bitts required for locomotive wires.

(4) All barges will be fitted so that a pusher tug can be secured with its stem held firmly to the center line of the barge. Pushing tugs are to be equipped with wire cable snubbers and springs.

(5) All barges will be required to have portable toilets on board prior to departure for transit.

43. Section 103.32 (a) and (c) are revised as follows:

§ 103.32 Engine orders to be recorded.

(a) Except as provided in paragraph (b) of this section, every power-driven vessel over 250 feet in length, while navigating in Panama Canal waters under the control of a Panama Canal pilot, shall maintain a bridge bell book and an engine room bell book. The bridge bell book shall consist of a contemporaneous record of each engine order and the time it is transmitted from the bridge to the engine room. The engine room bell book shall consist of a contemporaneous record of each engine order and the time it is received in the engine room.

* * * * *

(c) The bell books and automatic recording referred to in paragraphs (a) and (b) of this section, the record of an automatic course recording device, if one is available, and any log books must be surrendered, upon request, to the pilot or to the Board of Local Inspectors or other Canal authorities for the purpose of inspection and reproduction.

44. Section 103.34 is revised as follows:

§ 103.34 Same; control by Chief, Navigation Division.

The movement of vessels in Gaillard Cut shall be regulated by the Chief, Navigation Division, through Marine Traffic Control, or by such other persons and through such other stations or facilities as the Canal authorities may designate.

45. Section 103.35 is removed.

§ 103.35 [Removed]

46. Section 103.36 is removed.

§ 103.36 [Removed]

47. Section 103.37 is removed as follows:

§ 103.37 [Removed]

48. Section 103.38 is removed as follows:

§ 103.38 [Removed]

49. Section 103.41 is revised as follows:

§ 103.41 Ships to display schedule number.

Each ship shall display throughout her transit, the flag or flags designating the schedule number on which it is running.

50. Section 103.41a is redesignated as § 103.42 as follows:

§ 103.41a [Redesignated as § 103.42]

PART 105—PILOTAGE

Part 105 is amended as follows:

51. Part 105 authority citation is revised as follows:

Authority: Issued under authority vested in the President by sec. 1801, Pub. L. 96-70, 93 Stat. 492; EO 12215, 45 FR 36043.

52. Section 105.1 is revised as follows:

§ 105.1 Pilots required.

(a) Except as provided by §§ 105.2 and 105.3, or by paragraph (c) of this section, no vessel shall pass through, enter or leave the Canal, or maneuver in the Canal or waters adjacent thereto, including the ports of Cristobal and Balboa, without having a Panama Canal pilot on board.

(b) Normally a vessel will, unless advised to the contrary by the Chief, Navigation Division or his designee, be boarded by the Panama Canal pilot inside the breakwater at a point north of the Mole Beacon at the Atlantic entrance and in the Merchant Vessel Anchorage to seaward of Buoys 1 and 2 at the Pacific entrance.

(c) In conformity with past practice, vessels anchored in Anchorage Area C and Anchorage Area F, as shown in the Pilot Handbook, Limon Bay Chart, may proceed to sea without a Panama Canal Pilot on board. All such vessels, prior to getting underway, must obtain permission to depart from the Cristobal Signal Station.

(d) Whenever the Administrator finds there is a critical shortage of certified Panama Canal pilots available for movement of vessels in Canal waters, he may suspend the rule on compulsory pilotage set out in paragraph (a) of this section. The Administrator shall impose such conditions upon the suspension of the rule, with respect to any given vessel, as are reasonable and appropriate to protect human life and property and to safeguard the facilities of the Panama Canal.

53. Section 105.2 is revised as follows:

§ 105.2 Exemptions from compulsory pilotage.

The following vessels are exempt from compulsory pilotage, except when the Chief, Navigation Division or his designee considers a pilot necessary; nevertheless a pilot will be furnished any such exempted vessel if requested by the commanding officer or Master thereof:

(a) Local craft such as United States Army and United States Navy minesweepers, landing craft, patrol boats and tugs, and Panama Canal Commission tugs and equipment, except as limited by paragraph (c) of this section.

(b) Any vessel that makes frequent calls to Canal waters and whose current officers and crew are, in the opinion of the Chief, Navigation Division or his designee, capable, by reason of such frequent calls and otherwise, of safely navigating within Canal waters and are so certified, except as limited by paragraph (c) of this section.

(c) Vessels and craft enumerated in paragraphs (a) and (b) of this section may be permitted to transit the Canal without a pilot when, in the opinion of the Chief, Navigation Division or his designee, the current officers and crew have the necessary experience and ability to make safe transit and such transit is specifically approved. Whenever any such vessel or craft makes transit without a pilot, the Chief, Navigation Division or his designee shall dispatch it with a larger vessel carrying a pilot and it shall lock through with that vessel. The Chief, Navigation Division or his designee shall control the movements of such vessel or craft through Gaillard Cut so as to minimize the danger of its being a navigational hazard to larger vessels.

(d) Any other vessel or craft as and to the extent exempted by the Marine Director.

54. Section 105.3 is revised as follows:

§ 105.3 Vessels in distress.

A vessel in danger or distress is not prohibited from entering the waters of the Canal any time, but such vessel shall, when practicable, give due notice in advance, by radio or otherwise, and obtain a pilot, if possible. Such vessel shall, except in an emergency, anchor in the designated anchorage area.

55. Section 105.4 is revised as follows:

§ 105.4 Pilotage charges.

Pilotage for vessels in transit through the canal is free, but whenever any vessel requires a pilot for other than transit, it is liable for the applicable pilotage charge.

PART 107—MANNING OF VESSELS: REQUIREMENTS CONCERNING OFFICERS AND CREW

Part 107 is amended as follows:

56. Part 107 authority citation is revised as follows:

Authority: Issued under authority vested in the President by sec. 1801, Pub. L. 96-70, 93 Stat. 492; EO 12215, 45 FR 36043.

57. Section 107.1 is revised as follows:

§ 107.1 Vessels to be fully manned.

A vessel navigating the waters of the Canal shall be sufficiently manned in officers and crew to permit safe handling of the vessel. The Canal authorities may deny transit of the Canal to any vessel which, in their opinion, is insufficiently manned as to officers and crew.

58. Section 107.2 is revised as follows:

§ 107.2 Crew on watch.

(a) When underway in Canal waters, a vessel shall keep a full watch on deck and in the engine room. When approaching a lock, moored temporarily to a lock wall or when in a lock chamber, a vessel shall, when so requested by the pilot, have sufficient seamen forward and aft to handle lines expeditiously.

(b) Except as provided in subsection (c), when anchored, moored, or lying at a Panama Canal Commission pier a vessel shall at all times have on board at least one qualified deck officer, one qualified engineer officer familiar with the machinery and layout of the vessel, and sufficient crew to provide for the safety of the vessel.

(c) The manning levels of Commission vessels shall be determined by the Marine Director of his designee.

59. Section 107.3 (b) is revised and (c) is added as follows:

§ 107.3 When Master and officers must be on bridge or at other regular stations.

* * * * *

(b) At all other times when a vessel is moving in Canal waters, the Master of the vessel, or his qualified representative, shall be present on the bridge and shall keep the pilot informed concerning the individual peculiarities in the handling of the vessel so that the pilot may be better able to control the navigation and movement of the vessel. All other officers shall be at their regular stations throughout the maneuvers described herein.

(c) The Master, or his qualified representative, shall ensure at all times

that the pilot's orders are promptly and properly carried out by the vessel's personnel.

* * * * *

PART 109—ENTERING AND PREPARING TO ENTER THE LOCKS

Part 109 is amended as follows:

60. Part 109 authority citation is revised as follows:

Authority: Issued under authority vested in the President by sec. 1801, Pub. L. 96-70, 93 Stat. 492; EO 12215, 45 FR 36043.

61. Section 109-3 is revised as follows:

§109.3 Same; permits.

Permits for embarking or disembarking at the locks may be issued in the discretion of the Chief, Navigation Division or his designee.

62. Section 109.6 is revised as follows:

§ 109.6 Construction, number, and location of chocks and bitts.

(a) The Chief, Navigation Division or his designee is responsible for determining if vessels arriving for transit are properly equipped. The Navigation Division is also responsible for the approval of new construction requirements concerning chocks and bitts which are utilized for locomotives and tugs, relay operations, tie-up operations, boarding facilities, and wheelhouse design features, including visability factors.

(b) All chocks for towing wires shall be of heavy closed construction and shall have a convex bearing surface with a radius of not less than seven inches (178 milimeters). The convex surface shall extend so that a wire from the bitt, or from the towing locomotive through the chock, shall be tangent to the seven-inch (178 milimeter) radius at any angle up to 90 degrees with respect to a straight line through the chock.

(c) No part of the vessel which may be contacted by the towing wires, at any angle, shall have less than a seven-inch radius.

(d) Chocks designated as single chocks shall have a throat opening of not less than 100 square inches (645 square centimeters) in area—preferred dimensions are 12 x 9 inches (305 x 229 milimeters)—and shall be capable of withstanding a strain of 100,000 pounds (43,331 kilograms) on a towing wire from any direction.

(e) Chocks designated as double chocks shall have a throat opening of not less than 140 square inches (903 square centimeters) in area—preferred dimensions are 14 x 10 inches (356 x 254 milimeters)—and shall be capable of withstanding a strain of 140,000 pounds (64,000 kilograms) on the towing wires from any direction.

(f) Use of roller chocks is permissible provided they are not less than 14.94 meters (49 feet) above the waterline at the vessel's maximum Panama Canal draft and provided they are in good condition, meet all of the requirements for solid chocks as specified in paragraphs (a), (b), (c), and (d) of this section, as the case may be, and are so fitted that transition from the rollers to the chock body will prevent damage to towing wires.

(g) Each single chock shall have an accompanying bitt capable of withstanding a strain of 100,000 pounds (45,331 kilograms).

(h) Each double chock located at the stem and at the stern, in accordance with paragraph (h) of this section, shall have two pairs of heavy bitts with each bitt of each pair capable of withstanding a strain of 100,000 pounds (45,331 kilograms). Other double chocks shall have a pair of heavy bitts with each bitt capable of withstanding a strain of 100,000 pounds (45,331 kilograms).

(i) All vessels, except a vessel not requiring locomotives, shall be fitted with a double chock set athwartships right in the stem and another double chock set athwartships right in the stern, except that on vessels of less than 75 feet beam, two single chocks may be substituted for each double chock required by this subsection; on vessels of over 75 feet beam, two double chocks may be substituted for each double chock required by this section. If such substitution is made, the chocks shall be placed port and starboard not more than eight feet abaft the stem or 10 feet forward of the stern, provided that these chocks are not more than 10 feet from the center line of the vessel.

(j) Vessels under 60.06 meters (200 feet) in length and not exceeding 9.14 meters (30 feet) in beam shall have a double chock or two single chocks at the stem and stern. If the vessel is equipped with the two single chocks, they shall be placed, port and starboard, not more than eight feet abaft the stem or 10 feet forward of the stern, and not more than 10 feet off the center line.

(k) Vessels 60.96 to 121.92 meters (200 to 400 feet) in length and not exceeding 22.86 meters (75 feet) in beam shall have a double chock at the stem and at the stern or two single chocks at the bow and stern, port and starboard, not more than eight feet abaft the stem or 10 feet forward of the stern and not more than 10 feet off the center line and shall have two additional single chocks, port and starboard, nine to 16 meters (30 to 50 feet) abaft the stem and nine to 16 meters (30 to 50 feet) forward of the stern.

(l) Vessels 121.92 to 173.74 meters (400 to 570 feet) long and not more than 22.86 meters (75 feet) in beam shall have a double chock at the stem and stern or two single chocks at the bow and stern, port and starboard, and in addition shall have a chock, port and starboard, 12 to 16 meters (40 to 50 feet) abaft the stem, a single chock port and starboard, 24 to 28 meters (80 to 90 feet) abaft the stem, and a single chock, port and starboard, 12 to 16 meters (40 to 50 feet) forward of the stern.

(m) Vessels over 173.74 meters (570 feet) long or 22.86 meters (75 feet) in beam or over shall have a double chock at the stem and stern; a double chock, port and starboard, 24 to 28 meters (80 to 90 feet) abaft the stem; a double chock, port and starboard, 12 to 16 meters (40 to 50 feet) forward of the stern and a single chock, port and starboard, 24 to 28 meters (80 to 90 feet) forward of the stern.

(n) Vessels with large flared bows or unusually high freeboard such as container vessels or vehicle carriers will be required to provide single closed chocks located further aft than those required in paragraph (1) of this section for correct positioning of assisting tugs or may be required to fit recessed tug bollards into the hull so the tugs can work without coming in contact with the bow flare or having extra long lines and/or inefficient leads.

(o) A vessel not requiring locomotives shall have a chock arrangement similar to that described in paragraph (i) of this section, except that the chocks need only be single chocks or, if approved by the Canal authorities, of lesser strength.

(p) Any vessel which fails to meet the requirements of this section may be denied transit. If the Marine Director or his representative decides that such a vessel can be handled without undue danger to equipment or to personnel, notwithstanding her failure to comply with the requirements of this section, and allows it to transit, such vessel may do so only at its own risk and, to the extent and in proportion that such failure to meet the requirements of this section proximately causes or contributes to the casualty and resulting damages, the Master of such vessel, on behalf of said vessel, her owners, operators, or any other persons having any interest in her, and for himself, will be considered to have released the Panama Canal Commission and the United States from, and to have indemnified them against, any loss, damage, or liability incurred by the

Commission or the United States under, or in respect to:

(1) Section 1411 through 1416, inclusive, of Pub. L. 96–70, 93 Stat. 485–87;

(2) Property of Panama Canal Commission or the United States; and

(3) Panama Canal Commission employees under the Federal Employees' Compensation Act, 5 U.S.C. 8101, *et seq.*, or any other employee compensation system.

The Master of the vessel that fails to meet the requirements of this section may be required to execute, in the presence of a Commission official, a form undertaking to release the Panama Canal Commission and the United States from liability in case of an accident and to indemnify the Commission and the United States for damages sustained. The failure of the Master of a vessel to sign such a form, however, will not relieve the vessel, her owners, or any other person having an interest in her from liability incurred as a result of the vessel's failure to meet the requirements of this section.

PART 111—RULES FOR THE PREVENTION OF COLLISIONS

Part 111 is amended as follows:

63. Subpart E table of contents is revised as follows:

Subpart E—Miscellaneous

Sec.
111.201 Distress Signals.
111.202 Orders to helmsman.
111.203 Diving operations; industrial and commercial; recreational skin diving: light, flag.
111.204 Water skiing prohibited.
111.205 Operation of small craft and recreation vessels on the Canal waters.
111.206 Lookout.

64. Part 111 authority citation is revised as follows:

Authority: Issued under authority vested in the President by sec. 1801, Pub. L. 96–70, 93 Stat. 492; EO 12215, 45 FR 36043.

65. Section 111.1 is revised as follows:

§ 111.1 Application of Part.

The provisions of this Part shall be applicable to vessels and seaplanes upon the navigable waters of the—

(a) Canal operating areas, as the same are described in Annex A of the Agreement in Implementation of Article III of the Panama Canal Treaty of 1977, and as they are depicted on Attachment I to that Annex, between a line connecting the East Breakwater Light and the West Breakwater Light at the Atlantic Entrance to the Canal in Limon Bay and a line passing through Channel Buoys 1 and 2 extended to the Canal boundary lines at the Pacific Entrance in Panama Bay; and

(b) Ports of Balboa and Cristobal.

Upon all waters of the Canal to seaward, outside these limits, the International Rules apply. Where any naval or military vessel of special construction as certified by the Secretary of the Navy or the Secretary of Transportation in the case of Coast Guard vessels operating under the Transportation Department, or by a corresponding official of a state, other than the United States, shall by virtue of statute, convention or treaty, be exempted from compliance with the International Rules, such vessel shall similarly be exempted from compliance with any corresponding requirement under the provisions of this Part.

66. Section 111.58(d) is revised as follows:

§ 111.58 Lights and shapes; vessel at anchor.

* * * * *

(d) Vessels not more than 65 feet in length when at anchor in any special anchorage designated by the Chief, Navigation Division for such vessels shall not be required to carry or exhibit the white light specified in paragraph (a) of this section, nor the black ball specified by paragraph (c) of this section.

67. Section 111.150 (a) and (e) are revised as follows:

§ 111.150 Overtaking vessels.

(a) Notwithstanding anything contained in this Part, every vessel overtaking another shall keep out of the way of the overtaken vessel except that within the Canal channel all pleasure vessels and craft, even though they are an overtaken vessel, shall keep out of the way of transiting vessels and Panama Canal Commission floating equipment.

* * * * *

(e) Except as specially authorized by the Chief, Navigation Division, an overtaking power-driven vessel shall not overtake and pass another power-driven vessel in Gaillard Cut, Mamei Curve or Bohio Bend between buoys 38 and 40: *Provided, however,* that this paragraph shall not apply where either the overtaking or the overtaken vessel is less than 150 feet in length or is a Panama Canal Commission power-driven vessel or a U.S. Army or U.S. Navy local tug, with or without a tow.

68. Section 111.155 is removed as follows:

§ 111.155 [Removed]

69. Section 111.161 (d) and (e) are revised as follows:

§ 111.161 Speed and maneuvering of vessels in fog, mist, etc.

* * * * *

(d) Except as provided in paragraph (e) of this section, vessels moored or at anchor shall not get underway when, because of atmospheric conditions, visibility is less than 1,000 feet and vessels underway in such conditions shall anchor or moor as soon as practicable and report immediately to the Chief, Navigation Division by radio or other available means.

(e) Vessels specially equipped to navigate under conditions restricting visibility and which have a pilot aboard, and vessels which have a pilot aboard and which are assisted by Panama Canal Commission vessels which are specially equipped to navigate under such conditions, may, at the discretion of the Canal authorities, be navigated when visibility is less than 1,000 feet.

70. Section 111.162 is amended by revising (b), (c), and (d) as follows:

§ 111.162 Maximum speeds.

* * * * *

(b) A vessel in Panama Canal waters at locations other than those specified in paragraph (a) of this section, including Gatun Anchorage, when rounding Bohio and Darien bends, Miraflores Lake, and in or near the locks, shall not exceed a speed that is safe under the existing circumstances and conditions, except in an emergency.

(c) The Chief, Navigation Division may authorize departures from the maximum speeds established by this section in the case of particular vessels whose handling characteristics are such as to indicate that a higher speed or speeds can be prudently allowed.

(d) This section does not apply to motorboats, as defined in § 111.163(b), or to vessels of the Panama Canal Commission.

71. Section 111.163(a) is revised as follows:

§ 111.163 Same; motorboats and Panama Canal Commission vessels.

(a) Motorboats and vessels of the Panama Canal Commission when underway shall proceed at a speed which is reasonable under the existing circumstances and conditions and which does not create a hazard to life or property.

* * * * *

72. Section 111.203 (a) and (b) are revised as follows:

§ 111.203 Diving operations; industrial and commercial; recreational skindiving; light, flag.

(a) When industrial or commercial diving operations are underway in the Canal, or waters adjacent thereto, a revolving red light shall be displayed in all weathers from sunset to sunrise from the diving barge or other craft serving the diver. The light shall be so mounted and of sufficient intensity as to be visible for not less than 1 mile. A flag of the type described in paragraph (b) of this section shall be displayed from such craft from sunrise to sunset. Vessels approaching or passing an area where diving operations are underway shall reduce speed sufficiently to avoid creating a dangerous wash or wake.

(b) Recreational skindiving in waters of the Canal, including Gaillard Cut and the Channel through Gatun and Miraflores Lakes and in the waters of all ship's anchorages is prohibited unless authorized in writing by the Chief, Navigation Division. Authorization shall not be given for skindiving at night. When recreational skindiving activities are underway in the Canal, or waters adjacent thereto, a flag with a hoist or height of not less than 12 inches and a fly or length of not less than 18 inches and having a red background and a 3½ inch diagonal white stripe, running from the upper corner of the staff end of the flag to the lower corner of the outside end of the flag, shall be displayed from the mast of the craft serving the skindiver. Flags larger than the foregoing minimum dimensions shall preserve the same proportions. Vessels approaching an area where such skindiving activities are underway shall reduce speed sufficiently to avoid creating a dangerous wash or wake.

* * * * *

73. Section 111.204 is revised as follows:

§ 111.204 Water skiing prohibited.

No person shall operate a motorboat or other vessel in or across the navigable channels or merchant vessel anchorages while towing a person or persons on water skis, or aquaplane or similar device at any time.

74. Section 111.205 is revised as follows:

§ 111.205 Operations of small craft and recreational vessels on the Canal waters.

(a) For the purpose of this section, a small craft is defined as any vessel which is not required to have the assistance of locomotives when transiting the locks and public vessels not engaged in official business.

(b) A small craft shall not be operated by any person who is intoxicated or who is a habitual user, or under the influence of any narcotic drug or who is under the influence of any other drug to a degree which renders him incapable of safely operating the craft or vessel. The fact that one lawfully is or has been using any drug shall not constitute a defense against a charge of violating this section.

(c) No person shall operate a small craft so close to a transiting or other vessel so as to hamper the safe operation of either vessel; nor shall any person operate a small craft in a negligent manner so as to endanger life or property.

(d) No person shall operate a small craft in the navigation channel of the Canal except when such operation is incidental to movement between points on either side of the navigation channel.

75. Section 111.206 is revised as follows:

§ 111.206 Lookout.

Every vessel shall at all times while underway in Canal and adjacent waters maintain, at or near the bow, a proper lookout by sight and hearing as well as by all available means appropriated in the prevailing circumstances and conditions so as to make a full appraisal of the situation and the risk of collision. The person acting as lookout shall have no other assigned duties and shall report promptly all relevant and material observations to the person in charge of the navigation of his vessel.

76. Section 111.207 is removed as follows:

§ 111.207 [Removed.]

77. Part 113 is revised as follows:

PART 113—DANGEROUS CARGOES

Subpart A—General Provisions

Sec.

113.1 Definition and classification of dangerous cargoes; reporting requirements.
113.2 Anchorage areas for ships loaded with dangerous cargoes.
113.3 Vessels to anchor and await instructions.
113.4 Transit restrictions.
113.5 Places for loading and discharging explosives; restrictions.

Subpart B—Vessel and Cargo Requirements

113.21 Application.
113.22 Applicable regulations and standards.
113.23 Irradiated fuel elements and special nuclear materials; shipments originating in, or destined to, a port of the United States.
113.24 Irradiated fuel elements and special nuclear materials; shipments not originating in or destined to a port of the United States.
113.25 Certification by Commission.

Subpart C—Cargo Handling in Canal waters

Sec.

113.41 Explosives.
113.42 Other dangerous cargo.

Authority: Issued under authority vested in the President by sec. 1801, Pub. L. 96-70, 93 Stat. 492; EO 12215, 45 FR 36043.

Subpart A—General Provisions

§ 113.1 Definition and classification of dangerous cargoes; reporting requirements.

(a) The definition and classification of dangerous cargoes shall be in accordance with the regulations used by the United States Coast Guard or other national or international regulatory authorities recognized by the United States Coast Guard for that purpose, but in case of doubt as to the explosive nature of any commodity, or in case of conflict as to its classification, determination of the nature and classification of such cargoes shall be made by the Chief, Navigation Division or his designee.

Cross Reference: Title 46 CFR, Chapter I

(b) Dangerous cargoes include all explosives, solid and liquid hazardous materials, all petroleum products in bulk and nuclear materials. Vessels carrying petroleum products having a flashpoint greater than 80°F and classified lower than Grade C under the U.S. system, or having a flashpoint greater than 23°C and classified higher than 3.2 under the Inter-Governmental Maritime Consultative Organization (IMCO) system are not considered to be carrying dangerous cargo for purposes of these restrictions.

(c) Normal operational restrictions will generally apply unless dangerous cargoes are carried in bulk. Liquid is considered to be in bulk unless contained in portable tanks of less than 100 U.S. gallons (or packaged in accordance with 49 CFR or IMCO regulations) which are loaded and discharged with their contents intact. Solids are in bulk form when transported without mark or count which are loaded without containers or wrappers into holds. Explosives are considered in bulk if a vessel is carrying over 5 long tons.

(d) Additional operating restrictions may be imposed by the Chief, Navigation Division or his designee on vessels carrying especially hazardous materials such as radioactive material, Class A and B poisons and corrosives in other than bulk amounts.

(e) Vessels carrying dangerous cargo (including liquefied gases) in bulk will anchor in designated explosive anchorages as provided by § 113.3.

(f) Vessels carrying hazardous materials or dangerous cargoes shall send a report at least twenty-four hours prior to transit stating that all hazardous cargo alarms, safety and shutdown devices, including ship's firefighting systems, have been tested and are in good working order. There will be periodic inspections by Canal authorities to ensure compliance with appropriate United States or IMCO rules and regulations.

§ 113.2 Anchorage areas for ships loaded with dangerous cargoes.

The anchorage areas for ships loaded with explosives or with highly volatile products are designated as follows:

(a) *Atlantic end.* (1) Inside area included in rectangle one thousand yards wide immediately south of West breakwater starting at a point on West breakwater one thousand yards from West Breakwater Light and thence extending westward 2,000 yards along breakwater.

(2) Outside area bounded by a line from Point A at position 9° 23' 53"N, 79° 56' 29"W thence to Point B at position 9° 24' 40"N, 79° 56' 29"W thence to Point C at position 9° 24' 40"N, 79° 57' 00"W thence to Point D at position 9° 23' 53"N, 79° 57' 00"W thence to Point A.

(b) *Pacific end.* Area south of Naos Island bounded on the east by a line drawn south (true) from entrance gas buoy no. 1; on the south by a line drawn east (true) from Tortolita Island, and in the north and west by the curve of 30 foot depth.

§ 113.3 Vessels to anchor and wait instructions.

(a) Vessels carrying dangerous cargoes in bulk or more than 5 tons of explosives as defined by § 113.1(a) or tankers in ballast which are not gas free shall anchor in the outside explosive anchorage on the Atlantic end or the explosive anchorage in Pacific end, as described in §§ 113.2(a)(2) and 113.2(b) respectively. Such vessels will be allowed alongside Commission wharves in Canal waters only as prescribed in § 113.5 and each case will be handled individually by the Chief, Navigation Division, or his designee.

(b) Vessels arriving on the Atlantic side and carrying dangerous cargo in bulk will anchor in the outside anchorage. These vessels shall not enter the breakwater until given orders to do so. Such orders will be issued through the appropriate Commission signal station by the Canal authorities. Orders will be given only after the pilot is standing by to board and has received the assurance from the signal station that there are no outbound vessels. When weather and boarding conditions permit, the pilot may board outside the breakwater. On northbound vessels carrying dangerous cargo bound for sea, the pilot must remain on the bridge until the vessel passes the Mole Buoy. The pilot shall not leave the bridge until he has arranged with Marine Traffic Control and the signal station for one-way traffic outbound through the breakwater.

§ 113.4 Transit restrictions.

To better assure the safe passage of vessels carrying dangerous cargo, the following transit restrictions will apply:

(a) Pilots shall be notified that the letter "B" (BRAVO) will be added to the transit schedule number and flown as part of the schedule flag hoist by the ship. It will also be used by pilots and traffic controllers in calling via radio or referring to the vessel.

(b) Such vessels, (hereinafter referred to as "B" vessels) shall have safety towing pendents ready at hand, fore and aft, prior to entering the locks and rigged fore and aft, over the side, when anchoring or mooring in the Canal waters.

(c) "B" vessels and other vessels shall meet at a safe speed and shall, as far as practicable, avoid meeting on turns.

(d) "B" vessels shall not be scheduled to overtake or be overtaken by other vessels. If an overtaking situation occurs between a "B" vessel and another vessel, due care must be exercised by both vessels.

(e) When "B" vessels are required to anchor in Gatun anchorage, they shall be anchored well clear of the channel and as clear of other shipping as conditions permit. "B" vessels shall not be moored at Gamboa without prior approval of Chief, Navigation Division.

(f) Normally, there will be no tandem restrictions on "B" vessels unless the nature of the cargo or the condition of the vessel so indicates. In such instances, the appropriate restrictions will be imposed by competent authority.

(g) Insofar as possible, the Navigation Division will avoid scheduling a "B" vessel to enter a lock chamber where another vessel is clearing, or to clear a lock chamber where another vessel is entering. In case this type of scheduling is unavoidable, the pilot of the entering vessel will hold back to allow the departing vessel adequate maneuvering room.

(h) Tug assistance at the locks and in Gaillard Cut shall be assigned to "B" vessels if, in the judgment of the appropriate Canal authority, or upon request of the pilot, the assignment is required.

(i) Vessels possessing a valid Letter of Compliance from the United States Coast Guard will be accepted for transit within the restrictions outlined in the letter.

§ 113.5 Places for loading and discharging explosives; restrictions.

(a) The explosive dock at Mindi is hereby designated for loading and discharging explosive cargo. Explosive anchorages prescribed in § 113.2 may be used upon approval by the Chief, Navigation Division or his designee.

(b) The Chief, Navigation Division or his designee upon application may grant authority to discharge explosives, whether designated for civilian or military use, at Commission docks and piers within Canal waters in an emergency or when the character or packing of the explosives justifies such discharge.

Subpart B—Vessel and cargo requirements

§ 113.21 Application.

This subpart does not apply to vessels of war or auxiliary vessels, as those terms are defined in the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal (September 7, 1977). It does apply to all other vessels, regardless of character, tonnage, size, service, and whether self-propelled or not, and whether arriving or departing, underway, moored, anchored, aground, transiting or passing through Canal waters.

§ 113.22 Applicable regulations and standards.

All vessels within Canal waters carrying dangerous cargo shall be in substantial compliance with U.S. Government regulations applicable to U.S. flag vessels or regulations of other national or international regulatory authorities meeting Inter-Governmental Maritime Consultative Organization (IMCO) standards in effect for the product carried, providing such vessels are acceptable for entering waters over which the U.S. Coast Guard has jurisdiction. This requirement encompasses the construction, maintenance, inspection, certification and classification of the vessel, its safety, equipment, and its cargo handling system; the packaging, stowage, storage, marking, maintenance, handling, inspection and certification of cargo, and the operation of the vessel including crew requirements.

§ 113.23 Irradiated fuel elements and special nuclear materials; shipments originating in, or destined to, a port of the United States.

A vessel carrying irradiated fuel elements or special nuclear materials originating in, or destined to, a port of the United States, shall comply with all regulations issued by the United States Nuclear Regulatory Commission, the United States Department of Transportation and the United States Coast Guard with regard to the packaging, handling, stowage, storage, and movement of such cargo and the precautionary measures to be taken in connection therewith. In addition, the following requirements apply to the carrying of such cargo by such a vessel:

(a) A vessel carrying such cargo must obtain in advance approval from the Panama Canal Commission.

(b) Any cask containing irradiated fuel elements, or special nuclear materials, together with any attachments thereto, may not weigh more than 150 tons.

(c) Upon arrival at the Canal of a vessel carrying such cargo, the Master shall deliver to the boarding officer a loading certificate issued by the United States Coast Guard, or, if no such loading certificate is available, a declaration as follows:

Declaration of Irradiated Fuel Elements or Special Nuclear Materials Carried

I, the undersigned ———————, Master of the ——————— carrying (Irradiated Fuel Elements) (Special Nuclear Materials which are ———————) do hereby declare and certify on behalf of the owners of the vessel that (Irradiated Fuel Elements) (Special Nuclear Materials) were loaded at the port of ———————, and were packed and stowed in accordance with regulations of the U.S. Nuclear Regulatory Commission, the U.S. Department of Transportation and the U.S. Coast Guard.

The materials are in hold(s) ——————— or on deck in the following locations ———————. The packaging and stowing has not been disturbed since leaving the port of ———————.

(Master's signature) ———————

(Date) ———————.

§ 113.24 Irradiated fuel elements and special nuclear materials; shipments not originating in or destined to a port of the United States.

A vessel carrying irradiated fuel elements or special nuclear materials not originating in, or destined to, a port of the United States, may not transit the Canal or enter Canal waters unless prior permission therefore has been obtained from the Canal authorities. Such permission may not be granted without adequate provision for indemnity covering public liability and loss to the United States or any agency thereof, comparable in general scope to the protection afforded under section 170 of the United States Atomic Energy Act of 1954, as amended, 68 Stat. 919, 71 Stat. 576.

§ 113.25 Certification by Commission.

Vessels arriving at the Canal without prior permission of proper documentation attesting to compliance with these regulations may, after inspection by the Chief, Navigation Division or his designee, be issued a certification to enter or transit through the waters of the Canal for one or more trips. Such permission may not be granted without adequate provision for indemnity covering public liability and loss to the United States or any agency thereof, comparable in general scope to the protection afforded under section 170 of the United States Atomic Energy Act of 1954, as amended, 68 Stat. 919, 71 Stat. 576.

Subpart C—Cargo handling in Canal waters

§ 113.41 Explosives.

Explosives shall be handled as prescribed by appropriate Coast Guard regulations and only at the locations designated in § 113.4.

§ 113.42 Other dangerous cargo.

(a) All other dangerous cargo, including petroleum products in bulk, shall only be handled with prior approval of the Chief, Navigation Division or his designee and only at the locations approved by the Chief, Navigation Division or his designee. When handling these products, such handling will be done in strict compliance with the appropriate U.S. Coast Guard regulations.

(b) Certain dangerous cargoes indentified by 49 CFR 172.101 and prohibited from being transported over water are also not permitted aboard vessels in Panama Canal waters. In addition, the following substances, including Class A poisons, when carried in bulk, shall not be carried aboard vessels in Panama Canal waters:

1. Acrolein.
2. Chlorine.
3. Ethylenemine.
4. Hydrofluroic Acid.
5. Hydrogen.
6. Hydrogen Chloride.
7. Hydrogen Fluoride.
8. Hydrogen Peroxide Solution.
9. Nitric Acid (Greater than 70 Percent).
10. Nitrogen Peroxide Tetroxide.
11. Phosphous Trichloride.
12. Beta Propiolactone.
13. Oxygen.
14. Methyl Cyclopentadien (YL).
15. Meganese Tricarbonyl.

PART 115—BOARD OF LOCAL INSPECTORS: COMPOSITION AND FUNCTIONS

Part 115 is amended as follows:

78. Part 115 authority citation is revised as follows:

Authority: Issued under authority vested in the President by sec. 1418, Pub. L. 96-70, 93 Stat. 492; EO 12215, 45 FR 36043.

79. Section 115.1 is revised as follows:

§ 115.1 Board of Local Inspectors; Supervising Inspector.

(a) There is hereby continued the Board of Local Inspectors of the Panama Canal Commission, constituted as provided in § 115.2, which shall perform, conduct and execute, under the supervision of the Supervising Inspector:

(1) The investigations called for by § 1417, Pub. L. 96-70, 93 Stat. 487;

(2) The functions and responsibilities with which it is vested by this Part and by Parts 117, 119 and 121 of this chapter; and

(3) Such other duties in matters of a marine character as it may be assigned to it from time to time by the Administrator.

(b) The Marine Director of the Panama Canal Commission shall serve, ex officio, as Supervising Inspector of the Commission except when he is designated to serve as Chairman of the Board in accordance with § 115.2(c). When the Marine Director is so designated, the Deputy Administrator or such other official as the Administrator may designate in his stead, shall serve as Supervising Inspector.

80. Section 115.2 (a), (b), and (c) are revised as follows:

§ 115.2 Compostion of the board.

(a) The Board of Local Inspectors, referred to in this Part as "the Board," shall, except as otherwise provided in paragraphs (b) and (c) of this section, consist of the following officials who shall serve in the capacities stated:

(1) Chairman, Board of Local Inspectors.

(2) Chief, Navigation Division, as member.

(3) Senior Canal Port Captain, as member.

(b) Where the subject matter of circumstances of a particular accident warrant such action, the Supervising Inspector may designate the Chief, Industrial Division to serve, ex officio, as member of the Board in place of the

members listed in paragraph (a)(2) or (3) of this section. In the absence of the Chairman, the Supervising Inspector will appoint a member to act as Chairman.

(c) If the Supervising Inspector deems it appropriate in a particular investigation, he may designate an alternate to replace any official regularly serving on the Board. If he himself serves as such an alternate, he shall serve as Chairman of the Board.

* * * * *

PART 117—MARINE ACCIDENTS: INVESTIGATIONS; CONTROL; RESPONSIBILITY

81. Part 117 table of contents is revised as follows:

Sec.
117.1 Investigation of marine accidents.
117.1a Scheduling of investigations.
117.1b Rights of party in interest.
117.2 Change in physical status or property affected by accident forbidden.
117.3 Reports by Board to the Administrator.
117.4 Reports of accidents by officer in command to Board.
117.5 Control of wrecked, injured, or burning vessels.
117.6 Liability of vessel for injury to Canal structures or equipment.

82. Part 117 authority citation is revised as follows:

Authority: Issued under authority vested in the President by sec. 1417, 1418, Pub. L. 96–70, 93 Stat. 487; EO 12215, 45 FR 36043.

83. Section 117.1 is revised as follows:

§ 117.1 Investigation of marine accidents.

(a) Whenever, within Panama Canal waters, including the locks of the Canal, a vessel, or its cargo, crew, or passenger, meets with a serious marine accident, or whenever, within the harbors, anchorages, and areas adjacent thereto, including the ports of Balboa and Cristobal, there is a serious marine accident involving Commission personnel or equipment, the Board of Local Inspectors shall promptly investigate in detail the conditions and circumstances under which such accident occurred.

(b) Any other marine accident occurring in such waters may be investigated by the Board at the discretion of the Supervising Inspector.

(c) The Master of a vessel involved in a marine accident may request an investigation of an accident not considered by the Board to fall within paragraph (a) of this section. The request must be addressed to the Supervising Inspector or the Chairman of the Board, and must be in writing. If the Master does not so request such an investigation in writing, he shall be deemed to have waived all rights to the investigation called for by § 1417, Pub. L. 96–70, 93 Stat. 487, which provides that a claim may not be considered by the Panama Canal Commission, or an action for damages lie thereon, unless, prior to the departure from the Panama Canal of the vessel involved:

(1) The investigation by the competent authorities of the accident or injury giving rise to the claim has been completed; and,

(2) The basis for the claim has been laid before the Commission.

(d) For the purpose of this section, the term "serious marine accident" includes:

(1) Any accident involving substantial damage to any structure, plant, or equipment of the Panama Canal Commission or the United States; and

(2) Any accident (i) involving death or resulting in personal injury that requires admission of a person to a hospital as a bed patient; or (ii) resulting in damages to a vessel which require the making of repairs prior to the vessel's departure from the Canal; *Provided that* the Supervising Inspector or his designee has reason to believe that personnel or equipment of the Panama Canal Commission were then aboard or were assisting the vessel involved in the accident or were situated (aboard another vessel, ashore or otherwise) so as to have been a factor in the accident.

84. Cross reference is revised as follows:

Cross Reference: Compelling attendance and testimony of witnesses and production of books and papers by Board, see § 1418, Pub. L. 96–70, 93 Stat. 487.

* * * * *

85. Section 117.1b is revised as follows:

§ 117.1b Rights of party in interest.

Any Panama Canal pilot or other individual who is a party in interest at a marine-accident investigation may obtain counsel of his own choosing, testify in his own behalf, cross-examine witnesses, call witnesses, and introduce any relevant evidence. The Board shall advise all parties in interest of such rights.

86. Section 117.2 is revised as follows:

§ 117.2 Change in physical status of property affected by accident forbidden.

In the event of a marine accident or casualty affecting any property in Panama Canal waters, or waters adjacent thereto, or any property owned or operated by the Panama Canal Commission or the United States, which imposes on the Board an obligation to investigate, no change in the physical status of the property affected by the accident or casualty may be made or permitted prior to inspection by properly constituted authority, unless such change in status be imperative in order to preserve life or property.

87. Section 117.3 is revised as follows:

§ 117.3 Reports by Board to the Administrator.

The Board shall make reports forthwith in detail to the Administrator of all marine-accident investigations conducted by it, setting forth the facts and circumstances surrounding the accident and bearing upon its proximate causation, the nature and extent of the injury and the amount of damages, if any, occasioned by such injury. The reports shall include a transcript of the record of the Board's investigation, together with its findings and opinions respecting the accident. All findings and opinions of the Board shall be rendered by a full Board after a review of the entire transcript, even though the hearing may have been conducted by a single member of the Board or by a two-man Board. Reports to the Administrator shall be forwarded in duplicate through the Supervising Inspector, who may place thereon such endorsement as he may see fit.

88. Section 117.4 is revised as follows:

§ 117.4 Reports of accidents by officer in command to Board.

The Master or other officer in command of a vessel shall, prior to the vessel's departure from Panama Canal waters, report in writing to the Board any accident involving his vessel in Canal waters that resulted in loss of life or serious personal injury or in substantial damage to property.

89. Section 117.5 is revised as follows:

§ 117.5 Control of wrecked, injured, or burning vessels.

When a vessel in the Panama Canal waters goes aground, or is wrecked, or is so injured that it is liable to become an obstruction in such waters, or is on fire, the Canal authorities shall have the right to supervise and direct, or to take complete charge of and conduct, all operations which may be necessary to float the vessel, to clear the wreckage, to remove the injured vessel to a safe location, or to extinguish the fire, as the case may be. The Canal authorities may, when necessary, take such action without awaiting the permission of the owner or agent of the vessel, and may require the Master of the vessel and all persons under his supervision and control to place the vessel, and all equipment on board, at the disposal of the Canal authorities without costs to the Commission. Unless the Panama

Canal Commission is subsequently found or determined to be responsible for the accident or the condition necessitating action by the Canal authorities, the necessary expenses incurred by the Commission in carrying out the provisions of this section shall be a proper charge against such vessel, her owners and her operators.

90. Section 117.6 is revised as follows:

§ 117.6 Liability of vessel for injury to Canal structures or equipment.

A vessel, or her owner or operator, shall be held liable for any injury to any structure, plant, or equipment of or pertaining to the Canal, the Panama Canal Commission or the United States when the injury is proximately caused by the negligence or fault of the vessel or its master or crew. No vessel shall make fast, or run any line, to any marker, buoy, beacon, or other aid to navigation; and a vessel shall so navigate as not to strike such aids in passing.

PART 119—LICENSING OF OFFICERS

91. Part 119 table of contents is revised as follows:

Subpart A—General Provisions

Sec.
119.1 License defined; classification and licensing of Masters, mates, engineers, pilots, and motorboat operators.
119.2 Term of licenses.
119.3 Appeal from action refusing license.
119.5 Revocation for parting with license.
119.6 Employment of licensed officers.
119.7 Original license defined.
119.8 Application form.
119.9 Service records and endorsements.
119.10 Age and literacy requirements.
119.11 Knowledge of first aid.
119.12 Physical and experience requirements.
119.13 Burden of establishing qualifications.
119.14 Applicant to appear for examination.
119.15 Reexamination.
119.16 Raise of grade.
119.17 Renewal of license.
119.18 Sea service as member of armed forces of the United States or the Republic of Panama or on vessels owned by either nation.
119.19 Evaluation of equivalent experience.
119.20 Increase in scope of license; removal of limitations.
119.21 Written statement of reasons for denying license.
119.23 Limitations on license.
119.24 Oath of licensee.
119.25 Duplicate license.

Subpart B—Masters

119.61 Master, steam and motor vessels; experience required.
119.63 Master, non-self-propelled floating equipment; experience.

Subpart C—Mates

Sec.
119.103 Mate, steam or motor; experience required.

Subpart D—Pilots

119.141 Pilot, Panama Canal; qualifications.
119.143 Pilot, United States Government local vessel; employment requirement.

Subpart E—Motorboat operators

119.183 Motorboat operator; age and job requirements.
119.187 Operating test.

Subpart F—Engineers

119.221 Grade and type of engineer licenses.
119.222 Chief engineer, steam vessels; experience required.
119.223 Chief engineer, motor vessels; experience required.
119.224 Assistant engineer, steam vessels; experience required.
119.225 Assistant engineer, motor vessels; experience required.
119.227 Chief and assistant engineer; steam and motor vessel.

92. Part 119 authority citation is revised as follows:

Authority: Issued under authority vested in the President by sec. 1801, Pub. L. 96–70, 93 Stat. 492, EO 12215, 45 FR 36043.

93. Section 119.1 is revised as follows:

§ 119.1 License defined; classification and licensing of Masters, mates, engineers, pilots, and motorboat operators.

(a) The word *license* when used in this Part means a Panama Canal Commission license unless specifically identified as one from another issuing authority.

(b) The Board of Local Inspectors shall recommend the classification of Masters, mates and engineers of steam and motor vessels owned and operated by the Panama Canal Commission, and of operators of U.S. Government motorboats operating in Panama Canal waters, excluding pleasure craft, and of Panama Canal pilots, and upon such recommendation licenses may be issued by the Supervising Inspector, or by such other officer as he may designate. No person shall act or serve as a pilot, Master, mate or engineer, or operate said motorboats, unless he holds a valid license to do so.

94. Section 119.2 is revised as follows:

§ 119.2 Term of licenses.

Licenses issued to marine personnel of the Panama Canal Commission are granted to such personnel for such periods as they are employed by the Commission in a position requiring such license. Annually, all marine personnel licensed by the Panama Canal Commission shall have a physical examination attesting to their physical condition to perform their assigned work. Such examination shall include an examination of the applicant's acuity of vision and color sense.

95. Section 119.3 is revised as follows:

§ 119.3 Appeal from action refusing license.

An applicant for a license as Master, mate, engineer, or pilot, for whom the Board of Local Inspectors has refused to recommend such license may appeal to the Supervising Inspector or to such other officer as the Supervising Inspector may designate. The appeal must be entered within 15 days after the final action of the Board. Upon the appeal, the Supervising Inspector or other designated officer has authority either to grant or to deny the license.

96. Section 119.4 is removed as follows:

§ 119.4 [Removed]

97. Section 119.6 is revised as follows:

§ 119.6 Employment of licensed officers.

Only persons who are actually employed in, or conditionally eligible for appointment to, a position subject to licensing under this Part, or who can establish that they have a bonafide intention to operate a U.S. Government local craft within Panama Canal waters, may be issued an original license under this part. Renewals may be issued irrespective of the employment requirement if, in the judgment of the Supervising Inspector, the likelihood of return to Canal employment or other circumstances warrant renewal.

98. Section 119.9 is revised as follows:

§ 119.9 Service records and endorsements.

(a) Applicants for original licenses or raise in grade of license other than motorboat operator, shall present to the Board, to be filed with their applications, letters, discharges, or other official documents, certifying to the amount and character of their experience and names of the vessels on which it was acquired. Certified photostatic copies of the aforementioned documents may be accepted.

(b) The Board shall, when practicable, require an applicant for Master's, mate's, pilot's, or engineer's license to have the written endorsement of the Master or chief engineer of the vessels upon which he has served. Applicants for license as pilot shall have the endorsement of at least two licensed pilots as to their qualifications.

99. Section 119.10 is revised as follows:

§ 119.10 Age and literacy requirements.

To be eligible for examination for any license an applicant must, except as provided by § 119.183(b), be at least 21 years of age, and have the necessary experience as specified in this Part. In addition, an applicant for license as pilot, Master, mate, or engineer must have a working knowledge of the English language. Proficiency in English will be determined by the Supervisory Training Instructor, Language Training Program, Office of Personnel Administration. The examination will be given in either English or Spanish, according to the choice of the applicant.

100. Section 119.12 (a), (f), and (h) are revised as follows:

§ 119.12 Physical and experience requirements.

(a) All applicants for original license must pass a physical examination given by a physician recognized by the Commission, and present a certificate executed by the examining physician to the Board. The certificate shall attest to the applicant's acuity of vision, color sense, and general physical condition.

* * * * *

(f) No original license shall be issued to any person unless 25 percent of the required experience has been obtained within the three years immediately preceding the date of application. Such period shall include, in addition to the three years specified, any service in the Armed Forces of the United States or the Republic of Panama that immediately preceded or interrupted the last three years spent by the applicant in a civilian status prior to the date of the application. When an applicant for a license as engineer does not meet the requirement of this paragraph, but is otherwise qualified, the Board may examine him and recommend to the Supervising Inspector that he be licensed. In such cases a license may be issued provided the applicant has satisfactorily completed a 90-day period as trainee aboard applicable equipment of the Panama Canal Commission.

* * * * *

(h) An applicant for a license may not be given a grade of license higher than that in which he has served. However, this paragraph shall not apply to persons qualifying for license under the Panama Canal pilot Master and engineer training programs.

101. Section 119.13 is revised as follows:

§ 119.13 Burden of establishing qualifications.

Applicants for licenses must establish to the satisfaction of the Board that they possess all of the qualifications necessary, such as age, experience and character before they shall be entitled to be issued licenses.

102. Section 119.14 is revised as follows:

§ 119.14 Applicant to appear for examination.

(a) Except as provided in paragraph (c) of this section, before an original license or raise in grade is issued to any person to act as Master, mate, pilot, or engineer, he shall personally appear before the Board and pass a written examination, covering such subjects as will demonstrate that the applicant has sufficient knowledge of maritime matters necessary for the license for which he has applied. A list of subjects to be tested may be obtained from the Board.

(b) Applicants will also be required to pass a practical examination.

(c) Upon the recommendation of the Board that he do so, the Supervising Inspector may, in his discretion, issue an original license either without an examination or with an examination covering only subjects of a local nature, to an applicant who possesses a currently valid marine license issued by a competent national authority and who is otherwise eligible under this Part.

103. Section 119.16 is revised as follows:

§ 119.16 Raise of grade.

(a) Upon the issuance of a license involving a raise of grade, the applicant shall surrender the old license to the Board.

(b) The Board shall, before granting a raise of grade of license, require the applicant to make written application on a prescribed form.

(c) The grade of a license as Master, mate, or pilot may not be raised except upon the certificate of a physician recognized by the Panama Canal Commission, attesting that the color sense of the applicant is normal. Applicants for raise of grade of engineer license are not subject to this requirement. Nothing herein contained shall debar an applicant who has lost the sight of one eye from securing a raise of grade of his license if he is qualified in all other respects and his vision in his one eye passes the test required for the better eye of an applicant having vision in both eyes.

(d) Applicants for raise of grade of license shall present to the Board letters, discharges, or other official documents certifying to the amount and character of their experience and the names of the vessels on which it was acquired.

(e) A raise of grade of license may not be granted to any applicant unless 25 percent of the required sea service shall have been served within the three years immediately preceding the date of application. Service in the armed forces of the United States or Republic of Panama shall not be counted in computing the three years.

(f) Sea service acquired prior to the issuance of the license held may not be accepted as any part of the service required for raise of grade.

104. Section 119.17 (e) revised and (f) removed as follows:

§ 119.17 Renewal of license.

* * * * *

(e) A license as Master, mate, or pilot may not be renewed except upon the official certificate of a physician recognized by the Commission that the color sense of the applicant is normal. Applicants for renewal of license as engineer are not subject to this requirement.

(f) [Removed]

* * * * *

105. Section 119.18 is revised as follows:

§ 119.18 Sea service as member of armed forces of the United States or the Republic of Panama or on vessels owned by either nation as qualifying experience.

(a) Sea service as a member of the armed forces of the United States or the Republic of Panama will be accepted as qualifying experience for an original, raise of grade, or extension of route of license. Such service will be subject to evaluation to determine its equivalent to the sea service required on merchant-type vessels, and to determine the appropriate grade, class, and limit of license for which the applicant is eligible. An applicant may be permitted to omit the examination for intermediate grades of license if his experience is of such character as to qualify him for a higher, or the highest, grade of license.

(b) If a person who has served in a civilian capacity as commanding officer, Master, mate, engineer, or pilot, etc., of any vessel owned and operated by the United States or the Republic of Panama, in a service in which a license as Master, mate, engineer, or pilot was not required at the time of the service, applies for examination for license, the Board shall evaluate the time or service and allow appropriate credit therefor.

§ 119.22 [Removed]

106. Section 119.22 is removed.

107. Section 119.23 is revised as follows:

§ 119.23 Limitations on license.

The Board may limit, as appropriate, the tonnage, length, horsepower, type of vessel(s) and the waters upon which any licensee may act. The Board will note any such limitations on the license.

108. Section 119.25 is revised as follows:

§ 119.25 Duplicate license.

If a person to whom a license has been issued loses his license, he shall promptly report the loss to the Board. The Board shall issue a duplicate license after receiving from the person a properly executed affidavit giving satisfactory evidence of the loss. The license shall be issued as a duplicate by the addition of the following written endorsement: "This license replaces License Number —— issued at —— on the above date." The duplicate license shall have the same force and effect as the original, lost license.

109. Section 119.61 is revised as follows:

§ 119.61 Master, steam and motor vessels; experience required.

In order to be eligible for a Panama Canal license as Master of steam and motor vessels, an applicant must—

(a) Hold a currently valid Panama Canal license as mate of steam and motor vessels, and have served at least 260 eight-hour watches in charge of a deck watch on Panama Canal Commission vessels of 75 feet in length engaged in towing; or

(b) Hold a license as Master or mate of steam and motor vessels issued by an authority outside the Panama Canal, and have served at least 260 eight-hour watches as a licensed officer in charge of a deck watch on steam or motor vessels over 75 feet in length engaged in towing.

§ 119.62 [Removed]

110. Section 119.62 is removed.

111. Section 119.63 is revised as follows:

§ 119.63 Master, non-self-propelled floating equipment; experience.

In order to be eligible for examination for the license of Master of non-self-propelled floating equipment, an applicant must have at least 260 eight-hour watches of experience as mate on Panama Canal Commission non-self-propelled floating equipment or such experience on other vessels as the Supervising Inspector determines to be equivalent thereto.

§ 119.64 [Removed]

112. Section 119.64 is removed.

§119.102 [Removed]

113. Section 119.102 is removed.

114. Section 119.103 is revised as follows:

§ 119.103 Mate, steam or motor; experience required.

In order to be eligible for examination for the license of mate of steam or motor vessels an applicant must—

(a) (1) Have graduated from either the Panama Nautical School's program for deck officers, a maritime academy in the United States recognized by the U.S. Coast Guard for licensing purposes, or from another maritime academy located outside the United States which is determined by the Supervising Inspector to have standards substantially equal to United States academies, and (2) be participating in an approved Panama Canal Commission training program for Master, steam and motor vessels; or

(b) Hold a license as mate issued by an authority outside the Panama Canal, and have at least 260 eight-hour watches of experience as a licensed officer in charge of deck watch on steam or motor vessels over 75 feet in length engaged in towing.

§ 119.104 [Removed]

115. Section 119.104 is removed.

116. Section 119.141 (a), (b), (c) and (e) are revised as follows:

§ 119.141 Pilot, Panama Canal; qualifications.

(a) An applicant for a license as Pilot, Panama Canal, Of Vessels Not Over 225 Feet in Length Upon All Panama Canal Waters must have been employed by the Panama Canal Commission as Pilot-in-Training for at least 17 weeks and must meet the following minimum requirements:

(1) He must have served at least three years as a licensed deck officer on vessels of 1,000 gross tons or over, one year of which must have been as a chief mate while holding a license issued by the U.S. Coast Guard as Chief Mate Unlimited, or its equivalent as determined by the Supervising Inspector; or

(2) He must have served at least three years as a pilot on vessels of 4,000 gross tons or over on the Great Lakes while holding license issued by the U.S. Coast Guard as First Class Pilot, Great Lakes; or

(3) He must have served at least two years as Master of Panama Canal Commission vessels of 1,000 horsepower or over while holding a Panama Canal license as Master of Steam and Motor Vessels; or

(4) He must have completed the Pilot Training Program conducted by the Panama Canal Commission.

(b) An applicant for a license as Pilot, Panama Canal, Of Vessels Not Over 526 Feet in Length Upon All Panama Canal Waters must have been employed by the Panama Canal Commission as pilot of vessels not over 225 feet in length for at least 12 weeks.

(c) An applicant for a license as Pilot, Panama Canal, Of Vessels of Any Tonnage Upon All Panama Canal Waters must have been employed by the Panama Canal Commission as pilot of vessels not over 526 feet in length for at least 52 weeks.

* * * * *

(e) The qualifying periods of employment specified in paragraphs (a), (b) and (c) of this section may be shortened or lengthened by the Administrator, upon recommendation of the Supervising Inspector where the pilot demonstrates other than normal competence.

§ 119.142 [Removed]

117. Section 119.142 is removed.

118. Section 119.143 is revised as follows:

§ 119.143 Pilot, United States Government local vessel; employment requirement.

An applicant for pilot, U.S. Government local vessel, must be in the employment of the Panama Canal Commission as Master or mate of a Panama Canal Commission vessel or the employment of the U.S. Army or U.S. Navy as Master or mate of a U.S. Government local vessel, such as a mine sweeper, landing craft, patrol boat or tug, or he must be conditionally eligible for such employment.

§ 119.144 [Removed]

119. Section 119.144 is removed.

120. Section 119.183 is revised as follows:

§ 119.183 Motorboat operator; age and job requirements.

(a) The Board may examine and the Supervising Inspector may issue licenses to operate motorboats to qualified applicants. To be eligible for examination, an applicant shall establish that his is conditionally eligible for appointment to a position with the Panama Canal Commission or with another U.S. Government agency operating in Canal waters requiring a motorboat operator's license. Licenses

to operate motorboats will be issued only to the extent, and subject to such conditions and limitations, as the Supervising Inspector determines appropriate.

(b) A person must be 18 years of age or over to be issued a motorboat operator's license.

121. Section 119.184 is removed as follows:

§ 119.184 [Removed]

122. Section 119.185 is removed as follows:

§ 119.185 [Removed]

123. Section 119.186 is removed as follows:

§ 119.186 [Removed]

124. Section 119.187 is revised as follows:

§ 119.187 Operating test.

An applicant for motorboat operator's license shall pass a practical demonstration of his ability to operate a motorboat properly and safely, in the presence of an inspector, or submit satisfactory proof of such capability.

125. Section 119.222 (a), (b) and (d) are revised as follows:

§ 119.222 Chief engineer, steam vessels; experience required.

In order to be eligible for examination for the license of chief engineer of steam vessels, an applicant must—

(a) Hold a valid license as assistant engineer of steam vessels, meet the experience requirements of paragraph (a) or (b) of § 119.224, and have served at least 260 eight-hour watches as assistant engineer on Panama canal Commission steam vessels; or

(b) Hold a valid license as assistant engineer of steam vessels, and have served at least 260 eight-hour watches as a licensed officer in charge of an engine room watch on steam vessels of at least 3,000 horsepower; or

* * * * *

(d) Hold a valid license as chief or assistance engineer of steam vessels issued by an authority outside the Panama Canal and meet the hourly watch requirements of paragraphs (a) (b) or (c) of this section.

126. Section 119.223 (a) and (c) are revised as follows:

§ 119.223 Chief engineer, motor vessels; experience required.

In order to be eligible for examination for the license of chief engineer of motor vessels, an applicant must—

(a) Hold a valid license as assistant engineer of motor vessels, meet the experience requirements of paragraphs (a) or (b) of § 119.225, and have served at least 260 eight-hour watches as assistant engineer of motor vessels; or—

* * * * *

(c) Hold a valid license as chief or assistant engineer of motor vessels issued by an authority outside the Panama Canal and have served at least 260 eight-hour watches as a licensed officer in charge of an engine room watch on motor vessels of at least 3,000 horsepower.

127. Section 119.224 (a) and (b) are revised as follows:

§ 119.224 Assistant engineer, steam vessels; experience required.

In order to be eligible for examination for the license of assistant engineer of steam vessels, an applicant therefor must—

(a) (1) Have graduated from either the Panama Nautical School's program for engineer officers, from a maritime academy in the United States recognized by the U.S. Coast Guard for licensing purposes, or from another maritime academy located outside the United States which is determined by the Supervising Inspector to have standards substantially equal to the U.S. Academies, and (2) be participating in an approved Panama Canal Commission training program for chief engineer of steam vessels; or

(b) Have satisfactorily completed an approved Panama Canal Commission training program for chief engineer of steam vessels of at least four years' duration and have completed at least 260 eight-hour watches in the engine room of a Panama Canal Commission steam vessel under the supervision of a licensed engineer.

* * * * *

128. Section 119.225 is revised as follows:

§ 119.225 Assistant engineer, motor vessels; experience required.

In order to be eligible for examination the license of assistant engineer of motor vessels, an applicant therefor must—

(a) (1) Have graduated from either the Panama Nautical School's program for engineer officers, from a maritime academy in the United States recognized by the U.S. Coast Guard for licensing purposes or from another maritime academy located outside the United States which is determined by the Supervising Inspector to have standards substantially equal to the U.S. Academies, and (2) be participating in an approved Panama Canal Commission training program for chief engineer of motor vessels; or

(b) Have satisfactorily completed an approved Panama Canal Commission training program for chief engineer of motor vessels of at least four years' duration and have completed at least 260 eight-hour watches in engine room of a Panama Canal Commission motor vessel under the supervision of a licensed engineer; or

(c) While holding a license as assistant engineer of steam vessels, have served at least 130 eight-hour watches as observer-assistant engineer on motor vessels.

129. Section 119.226 is removed as follows:

§ 119.226 [Removed]

PART 121—INSPECTION AND REGISTRATION OF VESSELS

Part 121 is amended as follows:

130. Part 121 authority citation is revised as follows:

Authority: Issued under authority vested in the Commission by sec. 1813, Pub. L. 96-70, 93 Stat. 493.

131. Section 121.1 is revised as follows:

§ 121.1 Applicability of Part.

Except as otherwise specifically herein provided, the regulations in this Part apply only to vessels, floating equipment and motorboats owned or operated by the Panama Canal Commission or by the United States or any of its agencies operating in Panama Canal waters.

132. Section 121.2(a) is revised as follows:

§ 121.2 Definitions.

* * * * *

(a) "Vessel" means any vessel as defined in § 111.2 other than a motorboat as defined in this section.

133. Section 121.3 is revised as follows:

§ 121.3 Inspection of vessels merely transiting, on request.

A vessel merely transiting the Canal may be inspected, fully or in part, by the Board of Local Inspectors, upon the request of the owner, agent, or Master of such vessel. Such inspection shall be at the expense of the vessel in accordance with charges established by the Canal authorities.

134. Section 121.43 is revised as follows:

§ 121.43 Fee for inspection.

Before a certificate of inspection may be issued to any transiting vessel, or U.S. Government local craft, the Master or owner of such vessel or other responsible person shall pay to the Treasurer, Panama Canal Commission the fees established by the Canal authorities for inspection and

examination and for the issuance of certificates.

135. Section 121.89(a) is revised as follows:

§ 121.89 Boiler steam hours.

(a) Boilers on floating equipment of the Panama Canal Commission which are inspected by the Board may not be operated under steam for more than the following prescribed number of hours between boiler washout periods:

* * * * *

136. Section 121.90 introductory test is revised as follows:

§ 121.90 Annual report of floating craft on hand.

The accountable officials of the Panama Canal Commission shall furnish the Board with an annual report of all vessels and floating craft on hand by January 1st of each year. This report shall show:

* * * * *

137. Section 121.92 is revised as follows:

§ 121.92 Lifesaving apparatus.

Unless otherwise provided by this Part, lifesaving apparatus for vessels navigating beyond Panama Canal waters, and subject to this Part, shall be in accordance with the requirements of the general rules and regulations for vessel inspection of the United States Coast Guard, or with the requirements of the International Convention for the Safety of Life at Sea.

138. Section 121.171 is revised as follows:

§ 121.171 Registration and numbering of motorboats.

All motorboats shall be registered, certificated, and assigned numbers by the Board of Local Inspectors, subject to the supervision of the Supervising Inspector.

139. Section 121.173 is revised as follows:

§ 121.173 Registration and numbering of vessels under 65 feet in length not propelled by machinery.

Vessels not more than 65 feet in length and not propelled in whole or in part by machinery shall be registered and numbered by the Board, under the supervision of the Supervising Inspector.

PART 123—RADIO COMMUNICATION

140. Part 123 table of contents is revised as follows:

Sec.
123.1 Radio communication defined.
123.2 Control of communication.
123.3 Radiotelephones required.
123.4 Advance information required by radio from vessels approaching the Canal.
123.5 Radio communication between vessels in Canal and other vessels or places.
123.7 Operator on board during transit.
123.8 Precedence of messages relative to vessel's movements and Canal business; use of vessel's radio by pilot.
123.9 Immediate report of accidents, delays, or casualties.
123.10 Operation of vessel radios in conformity with treaties.
123.11 Radio charges.

141. Part 123 Authority citation is revised as follows:

Authority: Issued under authority vested in the President by sec. 1801, Pub. L. 96-70, 93 Stat. 492; EO 12215, 45 FR 36043.

142. Section 123.2 is revised as follows:

§ 123.2 Control of communications.

The Panama Canal Commission shall, subject to the provisions of this Part, have control of radio communications in the Canal operating areas so far as concerns or affects vessels in Panama Canal waters or the navigation of such waters.

143. Section 123.3 (a) introductory text (b), (c), (d), and (e) revised as follows:

§ 123.3 Radiotelephones required.

(a) Except for vessels operated by the Panama Canal Commission or another agency of the United States, the following vessels shall comply with the requirements of this section: * * *

(b) A vessel of a type described in paragraph (a) of this section shall be equipped with a radiotelephone which can be operated from the navigation bridge and which can be used to communicate on the following channels in the 156–162 MHz frequency band:

(1) Channel 12, 156.600 MHz;
(2) Channel 13, 156.650 MHz;
(3) Channel 16, 156.800 MHz.

(c) A vessel of a type described in paragraph (a) of this section, which has notified the Chief, Navigation Division or his designee that it is ready to transit or otherwise navigate in Panama Canal waters and requires a Panama Canal pilot, shall, until a pilot boards the vessel, maintain a continuous watch on Channel 12. Channel 12 will be used for notification to vessels of their transit time and for advisory harbor control communication in Limon Bay.

(d) A vessel of a type described in paragraph (a) of this section shall maintain a continuous watch on Channel 13 when underway in Panama Canal waters without a Panama Canal pilot aboard, and shall use Channel 13 only for ship-to-ship or ship-to-coast navigational communications. When such vessels have a Panama Canal pilot aboard, Channel 13 may be used only by the pilot or at his direction for navigational communications.

(e) The signal stations on Flamenco Island and in Cristobal may be called on Channels 12 and 16. Channel 16 may also be used by all vessels for ship-to-coast communications with steamship agents or other commercial businesses.

144. Section 123.4 (a) is amended and (b) introductory text is revised as follows:

§ 123.4 Advance information required by radio from vessels approaching the Canal.

(a) Vessels approaching the Panama Canal shall communicate by radio to the Navigation Division not less than 48 hours in advance of arrival at the Canal (or earlier if radio communication is practicable at an earlier time), the information required by this section unless this information has been previously communicated to the Canal authorities by other means. Symbols of the phonetic alphabet shall be used to identify each item and the word "NEGAT" shall be used after the items that can be answered "no," "none," or "not applicable." The following items of information shall be provided:

* * * * *

Delta—Any changes in the vessel's name, country of registry, structure or use of tanks that have occurred since the vessel last called in Panama Canal waters.

* * * * *

India—Quarantine and immigration information:

(1) Is radio pratique desired?

(2) State the ports at which the vessel has called within 15 days preceeding its arrival at the Canal.

* * * * *

(b) The following additional information shall be transmitted via radio to Transit Operations Division from all vessels as applicable:

* * * * *

145. Section 123.5 is revised as follows:

§ 123.5 Radio communication between vessels in Canal waters and other vessels or places.

Except for emergency traffic and routine bridge-to-bridge VHF communication, no vessel in transit through the Canal shall communicate by radio with any other vessel or shore station, local or distant. This restriction shall not apply to government vessels of the United States or of the Republic of Panama.

146. Section 123.6 is removed as follows:

§ 123.6 [Removed]

147. Section 123.7 is revised as follows:

§ 123.7 Operator on board during transit.

All vessels equipped with radio shall have a qualified radio operator on board, available to operate the radio installation if necessary, at any time the vessel is underway in Panama Canal waters and at any other time her navigation is under the control of a Panama Canal pilot. Vessels equipped with radio telephones operating on the frequencies designated by the Panama Canal Commission are deemed to meet the requirements of this section provided they have someone aboard capable and qualified to operate such equipment.

148. Section 123.9 is revised as follows:

§ 123.9 Immediate report of accidents, delays, or casualties.

Vessels within Panama Canal waters shall report by radio to the Canal authorities any accident or anything else that may delay them or require assistance, any sickness or casualties that require medical attendance or any other matter of importance that may arise. If a pilot is on board, such report shall be made by the pilot or under his direction.

149. Section 123.10 is revised as follows:

§ 123.10 Operation of vessel radios in conformity with treaties.

Except as may be otherwise provided by this Part, while in Panama Canal waters, vessels equipped with radio shall operate such equipment at all times in conformity with the principles and rules stipulated in the treaties or conventions to which the United States is a party.

PART 125—SANITARY REQUIREMENTS: VESSEL WASTES; GARBAGE; BALLAST

Part 125 is amended as follows:

150. Part 125 authority citation is revised as follows:

Authority: Issued under authority vested in the President by secs. 1701 and 1801, Pub. L. 96-70, 93 Stat. 492; EO 12215, 45 FR 36043.

151. Section 125.1 is revised as follows:

§ 125.1 Discharging vessel wastes into waters.

(a) Vessels may not discharge or throw into Panama Canal waters any ballast, ashes, cinders, boxes, barrels, straw, paper, or other solid matter; nor discharge heavy slops, engine or fire room bilge water, oil, or any other matter that will tend to deface or make Canal waters unsanitary. This requirement does not apply to the water used in cooking or in cleaning tableware.

(b) Ballast tanks may not be discharged in Canal waters.

(c) Before arrival from sea at either of the terminal ports, vessels should, in a manner consistent with the requirements of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, and all amendments thereto which are currently in force, dispose of all waste forbidden to be discharged in Canal waters.

152. Section 125.3 is removed as follows:

§ 125.3 [Removed]

153. Section 125.4 is revised as follows:

§ 125.4 Removing wastes when anchored for considerable time.

A vessel anchored in Panama Canal waters for a considerable length of time may get rid of vessel wastes by requesting Canal authorities to place a garbage scow alongside. This service is chargeable to the vessel.

PART 129—[REMOVED]

154. Part 129 is removed.

PART 131—NEUTRALITY OF CANAL

155. Part 131 is revised as follows:

Authority: Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal, signed September 7, 1977.

§ 131.1 Applicability of Treaty.

Matters concerning the neutrality of the Panama Canal are governed by the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal, signed in Washington, D.C., on September 7, 1977.

PART 133—TOLLS FOR USE OF CANAL

156. Part 133 Subpart B table of contents is revised as follows:

Subpart B—Levying of Tolls

133.31 Measurement of vessels; vessels to secure tonnage certificates.
133.32 Measurement of vessels; making and correction of measurement; plans and copies.
133.33 Measurement of vessels; temporary retention of certificate at Canal.
133.34 Tolls for vessels in ballast.
133.36 Tolls for vessels making partial transit and return.
133.37 Partial transits by small vessels.

157. Part 133 authority citation revised as follows:

Authority: Issued under authority vested in the President by secs. 1601 and 1801, Pub. L. 96-70, 93 Stat. 489; EO 12215, 45 FR 36043.

158. Section 133.35 is removed as follows:

§ 133.35 [Removed]

159. Section 133.37 is revised as follows:

§ 133.37 Partial transits by small vessels.

Section 133.36 shall not be interpreted as authorizing vessels less than 65 feet in length, or barges, or rafts of any size not on regular transit schedules and not paying tolls, to navigate the waters of any locks, or of Gaillard Cut to or from Gatun Lake in partial transit of the Canal; specific authority of the Administrator must be obtained through the Marine Director for each such partial transit.

160. Section 133.71(b) is revised as follows:

§ 133.71 Time of making payment.

* * * * *

(b) All vessel charges shall be paid, or secured as provided by § 133.74, before permission to depart is given a vessel at the port of departure from the Canal: *Provided, however,* That in cases involving emergency or other special circumstances, the requirement of this paragraph may be waived by the Administrator of the Panama Canal Commission.

161. Section 133.74 is revised as follows:

§ 133.74 Same; exception; payment secured by deposit of cash or bonds.

(a) The payment of tolls and vessel charges may be secured by making cash deposits for that purpose with the Treasurer of the Panama Canal Commission or such United States depository as may be designated by the Panama Canal Commission.

(b) In lieu of payment in cash or a cash deposit, the payment of tolls and vessel charges may be secured by making deposits, pursuant to written agreement with the Panama Canal Commission, of negotiable bonds of the United States Treasury Department as collateral security for the deposit of public moneys. Such bonds shall be under the full control of the Panama Canal Commission; shall be deposited with the Treasurer of the Panama Canal Commission or such United States depository as may be designated by the Panama Canal Commission and shall be subject to sale or other disposition by the Panama Canal Commission upon

any failure in prompt payment of any bill for tolls or vessel charges for which the said bonds are deposited as security.

162. Section 133.75 is revised as follows:

§ 133.75 To whom payment is to be made.

Payment for tolls and vessel charges shall be made to the Treasurer, Panama Canal Commission.

PART 135—RULES FOR MEASUREMENT OF VESSELS

Part 135 is amended as follows:

163. Part 135 authority citation is revised as follows:

Authority: Issued under authority vested in the President by sec. 1601, Pub. L. 96-70, 93 Stat. 489; EO 12215, 45 FR 36043.

164. Section 135.443 is revised as follows:

§ 135.443 Substance and form of tonnage certificates; blank certificates.

The Panama Canal tonnage certificates issued by the measurement authorities of the United States and the several foreign countries shall correspond in substance and form to the (prescribed) sample certificate (available on request from the Board of Admeasurement, Panama Canal Commission, APO Miami, Florida 34011). Blank certificates will be furnished by the Secretary of the Army or Administrator of the Panama Canal Commission upon request of measurement authorities of foreign countries. The measurement authorities of any foreign country may also provide themselves with Panama Canal measurement certificates printed in English or in the language of the foreign country: *Provided,* That such certificates strictly correspond in substance and form to the sample certificate: *And provided further,* That if it is desired to have a certificate in the language of the foreign country, there must also be a corresponding certificate issued to the vessel in English.

165. Section 135.483 is revised as follows:

§ 135.483 Anchoring of warships to facilitate ascertainment of draft.

Every warship, other than army and navy transports, colliers, supply ships, and hospital ships (as defined in §§ 135.1–135.3) upon applying for passage through the Panama Canal shall, in order to facilitate the ascertainment of its mean draft, be anchored or placed at such station or location as shall be designated by the Administrator of the Panama Canal Commission or by the officials authorized to act for him.

166. Section 135.484 is revised as follows:

§ 135.484 Commander of warship to exhibit vessel's displacement scale and curves.

The commander of every warship, other than army and navy transports, colliers, supply ships, and hospital ships (as defined in §§ 135.1–135.3), applying for passage through the Panama Canal, shall exhibit for examination by the Administrator of the Panama Canal Commission, or by the officials authorized to act for the Administrator, an official document containing the vessel's curve of displacement for change of trim, and a scale so arranged that the displacement at any given mean draft is shown. Such document or documents shall be issued and be certified as correct by competent authorities of the government to which the vessel belongs.

167. Section 135.486 is revised as follows:

§ 135.486 Determining displacement of warship not supplied with displacement scale and curves.

Should any warship, other than army and navy transports, colliers, supply ships, and hospital ships (as described in §§ 135.1–135.3), apply for passage through the Panama Canal and for reasons satisfactory to the Administrator of the Panama Canal Commission, not have on board the duly certified document or documents specified in § 135.484, the Administrator, or the officials authorized to act for him, shall then determine the displacement of the vessel, using such reliable data as may be available, or by taking such dimensions of the vessel and using such approximate methods as may be considered necessary and practicable. The displacement tonnage so determined shall be considered to be the displacement of the vessel.

168. Section 135.511 is revised as follows:

§ 135.511 Administration of rules.

The rules of measurement provided in this Part shall be administered by the Administrator of the Panama Canal Commission.

[FR Doc. 81-37100 Filed 12-29-81; 8:45 am]

BILLING CODE 3640-01-M

federal register

Wednesday
December 30, 1981

Part IV

Department of Agriculture

Agricultural Marketing Service

Federally Licensed Warehouses; Fees for Services; Final Rule

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 102, 103, 104, 106, 107, 108, and 111

Federally Licensed Warehouses; Fees for Services

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule specifies the fees to be charged warehousemen licensed under provisions of the United States Warehouse Act for licenses and examinations of warehouses. Such fees are mandated by the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97–35, which amends the U.S. Warehouse Act to stipulate that the fees shall cover the costs of providing licenses and examinations including the administrative and supervisory costs as of October 1, 1981.

EFFECTIVE DATE: December 30, 1981.

FOR FURTHER INFORMATION CONTACT: Orval Kerchner, Chief, Warehouse Development Branch, Warehouse Division, Agricultural Marketing Service, Department of Agriculture, Washington, D.C. 20250 (202–447–3616).

SUPPLEMENTARY INFORMATION: On September 4, 1981, the Department of Agriculture published proposed regulations 46 FR 44680 amending 7 CFR Parts 101, 102, 103, 104, 106, 107, 108, and 111. The purpose of the proposed regulations was to suggest for comment fees for warehouse and service licenses, for original and reexamination or reinspection of warehouses and the annual fees for a licensed warehouse. Such fees are mandated by the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97–35 and due to the requirements contained in that Act it is necessary to make this regulatory action comply with an effective date of October 1, 1981. This action was reviewed under the USDA procedure established in accordance with Executive Order 12291 of February 17, 1981, and was classified "nonmajor" as it does not meet the criteria contained therein for major regulatory actions. William T. Manley, Deputy Administrator for Marketing Program Operations, determined that the action would not have a significant impact on a substantial number of small business entities because (i) use of the services is voluntary; and (ii) further, if there was any impact, the Secretary is required by statute to make the services available and to recover the costs of the services from the users of the services.

Written comments were to be filed no later than September 24, 1981. As of that date, 116 comments were filed. Ninety-nine comments were from the grain industry, 7 comments were from the cotton industry, and 10 comments were from persons who individually had an interest in the proposal. These are available for public inspection in the Office of the Hearing Clerk, USDA.

Principal Comments Related to the Following

A. Fee—Assessment and Structure

The majority opposed the assessment of fees for philosophical and practical reasons. The warehousemen who are the people to be assessed believe: (1) An assessment for the program is not justified because of the benefits to the public at large; (2) that for practical reasons all beneficiaries cannot be identified and assessed, therefore it is inequitable to single out the licensed warehouseman to bear the total; and (3) an assessment of total fees to licensed warehousemen likely will result in losses in licensees under the U.S. Warehouse Act weakening the network of federally licensed warehouses. These now make up 40 percent of the nation's commercial grain elevator storage space which would affect the orderly marketing of farm products, remove a regulatory protection to farm income which has been highly successful over many years, limit the federal efforts and influence in the research and development of basic standards of good warehousing practices, regulatory requirements and licensing, financial, bonding, and examination procedures.

They further believe the proposed fees in principle and amount are prohibitive and inhibiting to the general program as warehousemen now licensed may terminate such licenses rather than pay such fees and warehousemen not now licensed will not apply for licenses. The program has had a steady growth in licensees and warehouse capacity over the years.

B. CCC as a Beneficiary

A significant number of replies argued that Commodity Credit Corporation (CCC) was a prime beneficiary of the program and should bear a share of the cost.

Reasoning for this Position was that

(1) CCC interests in loan and owned grain are protected by the Federal examination.

(2) CCC pays AMS and a number of cooperating States (on a share basis) for examining non-federally licensed warehouses having a storage agreement with CCC, and

(3) Federally licensed warehouses who might consider terminating their license because of the user fee likely would continue their storage agreement and CCC would then pay for examinations at these same warehouses as non-federally licensed warehouses.

The reason for CCC not paying for the service up to now is that the program was funded by appropriation, hence no beneficiary paid directly, and so CCC had no reason to pay for the services and protection it received. Now that other beneficiaries (the warehousemen) are being billed for user fee costs it appears in order for CCC to share in these costs.

Further, the CCC was created for the purpose of stabilizing, supporting and protecting farm income and prices, of assisting in the maintenance of a balanced and an adequate supply of agricultural commodities, and of facilitating the orderly distribution of agricultural commodities. The existence of a broad network of public warehouses for the storage of CCC-owned and loan products is basic to the proper handling, storage, processing, servicing, and transportation of the agricultural commodities subject to its control. The supervision of the care of CCC-owned and loan commodities in such facilities is good business practice, minimizing fraud, waste and abuse.

C. Reduction in Fees for Financial Statement Audited by a Certified Public Accountant

Comments on this proposal ranged from (1) the proposal was discriminatory because it did not recognize independent public accountants as well as certified public accountants, and (2) a larger reduction was warranted because of the cost of such a statement and the administrative value in the uses of such a statement.

The Department has carefully considered each comment and has reached the following conclusions and decisions:

A. The Department is mandated by Congress to charge, assess and collect such fees and such fees must cover as nearly as practicable the costs of providing services and licenses including administrative and supervision costs. The program has been reviewed for present and future scopes. Reductions in fees have been made and these are reflected in the final regulations.

B. The Department recognizes the validity of the position that CCC is a direct identifiable beneficiary.

Therefore, the annual licensed warehouse fee has been adjusted to reflect payment by CCC for those warehouses holding storage agreements with CCC.

C. The reduction in fee granted for voluntarily providing an annual financial statement audited by a Certified Public Accountant has been removed. The Commodity Credit Corporation has proposed for comment a requirement making mandatory such a statement to approval under the Uniform Grain Storage Agreement. Of the 1,832 licensed grain warehouses, 1,755 hold such agreements and will need to comply to continue this agreement. A similar proposal has been published for warehouses licensed under the United States Warehouse Act. It seems in order to await the final rule in this matter.

Implementation of Fees

Fees for the original, amended and/or reinstated licenses, for the original inspection and/or reinspection examinations for modification of an existing license, for licenses to classify, inspect, grade, sample, and/or weigh shall be assessed and collected as the service is performed. The annual fee for each licensed warehouse shall be assessed and collected effective with the date of issuance of the original license or continuation thereof on the anniversary date. Each warehouseman holding an active license on October 1, 1981, shall be billed for a proportionate share of his annual fee which will extend coverage to the next anniversary date of his license. Those warehousemen whose license anniversary date occurs between October 1, 1981, and the first billing under these regulations shall be billed for the period October 1, 1981, to the anniversary date on a proportionate basis and for the annual fee which would have been due. Failure to pay fees shall be grounds for suspension of license.

Notice to this effect was given in the September 4, 1981, notice. This notice merely finalizes the exact amount of fees required and specifies the manner in which such fees will be collected. Fees must be assessed beginning October 1, 1981. Therefore, under the administrative provisions of 5 U.S.C. 553, good cause is shown for making the final rule effective with less than 30 days notice after publication.

Fee schedules are published for all commodities for which there are effective regulations as of October 1, 1981, except cotton. Pursuant to Section 156(d) of the Omnibus Budget Reconciliation Act (95 Stat. 374), the Secretary has determined that fees and charges to cotton warehouses licensed pursuant to the U.S. Warehouse Act should be waived for fiscal year 1982 to insure that the licensing and inspection procedures for cotton warehouses are preserved. An appropriation has been requested to accomplish this and now is under consideration by Congress. Therefore, the proposal to amend 7 CFR Part 101 is withdrawn. However, if Congress does not provide the requested funds, a fee schedule will be necessary and will be published.

Said parts and regulations, therefore, are amended or revised as described below:

PART 102—GRAIN WAREHOUSES

1. Sections 102.57, 102.58 and 102.59 are revised as follows:

Fees

§ 102.57 License fees.

There shall be charged and collected a fee of $50 for each original warehouse license, and a fee of $50 for each amended, modified, extended, reinstated or duplicate warehouseman's license applied for by a warehouseman, and a fee of $20 for each license or amendment thereto issued to any person to inspect, grade, or weigh agricultural products stored or to be stored under provisions of this Act.

§ 102.58 Warehouse inspection fees.

There shall be charged and collected—

(a) For each original examination or inspection, or reexamination or reinspection for modification of an existing license of a warehouse under the Act a fee at the rate of $10 for each 10,000 bushels of storage capacity or fraction thereof, determined in accordance with § 102.6(a), but in no case less than $100 nor more than $1,000; and

(b)(1) For each licensed warehouse an annual fee computed in accordance with the following table:

Licensed capacity (bushels)	Annual fee (dollars) with uniform grain storage agreement	Annual fee (dollars) without uniform grain storage agreement
Less than 150,000	$250	$500
151,000 to 250,000	350	700
251,000 to 500,000	450	900
501,000 to 750,000	550	1,100
751,000 to 1,000,000	650	1,300
1,001,000 to 1,200,000	750	1,500
1,201,000 to 1,500,000	850	1,700
1,501,000 to 2,000,000	950	1,900
2,001,000 to 2,500,000	1,050	2,100
2,501,000 to 5,000,000	1,150	2,300
5,001,000 and over	1,250	2,500

The licensed capacity shall be that stated in the current warehouse license as determined under § 102.6(a).

§ 102.59 Advance deposit.

Before any license is granted, or an original examination or inspection is made, or reexamination or reinspection for modification of an existing license is made, or when the annual fee for the licensed warehouse is assessed, pursuant to the regulation in this part, the applicant or licensee shall deposit with the Service the amount of the fee prescribed. Such deposit shall be made in the form of a check, certified if required by the Service, draft, or post office or express money order, payable to the order of "Agricultural Marketing Service, USDA."

* * * * *

PART 103—TOBACCO WAREHOUSES

2. Sections 103.48, 103.49 and 103.50 are revised as follows:

Fees

§ 103.48 License fees.

There shall be charged and collected a fee of $50 for each original warehouseman's license, and a fee of $50 for each amended, modified, extended, reinstated or duplicate warehouseman's license applied for by a warehouseman, and a fee of $20 for each license or amendment thereto issued to any person to inspect, grade, sample, or weigh agricultural products stored or to be stored under provisions of this Act.

§ 103.49 Warehouse inspection fees.

There shall be charged and collected—

(a) For each original examination or inspection, or reexamination or reinspection for modification of an existing license of a warehouse under the Act a fee at the rate of $10 for each 100,000 pounds of storage capacity, or fraction thereof, determined in accordance with § 103.12, but in no case less than $100 nor more than $500; and

(b)(1) For each licensed warehouse an annual fee at the rate of $10 for each 100,000 pounds of licensed capacity, or fraction thereof, but in no case shall the fee be less than $400 nor more than $2,000. The licensed capacity shall be that stated in the current warehouse license as determined under § 103.12.

(2) If Commodity Credit Corporation has a depository interest in any warehouse covered by this section and shares in the cost of the examination program at that warehouse, the fees stipulated in this section shall be reduced to that warehouseman by the

amount Commodity Credit Corporation pays.

§ 103.50 Advance deposit.

Before any license is granted, or an original examination or inspection is made, or reexamination or reinspection for modification of an existing license is made, or when the annual fee for the licensed warehouse is assessed, pursuant to the regulation in this part, the applicant or licensee shall deposit with the Service the amount of the fee prescribed. Such deposit shall be made in the form of a check, certified if required by the Service, draft, or post office or express money order, payable to the order of "Agricultural Marketing Service, USDA."

* * * * *

PART 104—WOOL WAREHOUSES

3. Sections 104.46, 104.47 and 104.48 are revised as follows:

Fees

§ 104.46 License fees.

There shall be charged and collected a fee of $50 for each original warehouseman's license, and a fee of $50 for each amended, modified, extended, reinstated, or duplicate warehouseman's license applied for by a warehouseman, and a fee of $20 for each license or amendment thereto issued to any person to grade or weigh agricultural products stored or to be stored under provisions of this Act.

§ 104.47 Warehouse inspection fees.

There shall be charged and collected—

(a) For each original examination or inspection, or reexamination or reinspection for modification of an existing license of a warehouse under the Act a fee at the rate of $10 for each 100,000 pounds of storage capacity or fraction thereof, determined in accordance with § 104.12(a), but in no case less than $100 nor more than $500; and

(b)(1) For each licensed warehouse an annual fee at the rate of $10 for each 100,000 pounds of license capacity, or fraction thereof, but in no case shall the fee be less than $400 nor more than $2,000. The licensed capacity shall be that stated in the current warehouse license as determined under § 104.12(a).

(2) If Commodity Credit Corporation has a depository interest in any warehouse covered by this section and shares in the cost of the examination program at that warehouse, the fees stipulated in this section shall be reduced to that warehouseman by the amount Commodity Credit Corporation pays.

§ 104.48 Advance deposit.

Before any license is granted, or an original examination or inspection is made, or reexamination or reinspection for modification of an existing license is made, or when the annual fee for the licensed warehouse is assessed, pursuant to the regulation in this part, the applicant or licensee shall deposit with the Service the amount of the fee prescribed. Such deposit shall be made in the form of a check, certified if required by the Service, draft, or post office or express money order, payable to the order of "Agricultural Marketing Service, USDA."

* * * * *

PART 106—DRY BEAN WAREHOUSES

4. Sections 106.55, 106.56, and 106.57 are revised as follows:

Fees

§ 106.55 License fees.

There shall be charged and collected a fee of $50 for each original warehouseman's license, and a fee of $50 for each amended, modified, extended, reinstated or duplicate warehouseman's license applied for by a warehouseman, and a fee of $20 for each license or amendment thereto issued to any person to inspect, grade, or weigh agricultural products stored or to be stored under provisions of this Act; except that no fee shall be charged for issuance of a license to an inspector who holds an unsuspended and unrevoked license under the Agricultural Marketing Act of 1946 and regulations thereunder to inspect and grade any beans and to certificate the grade thereof.

§ 106.56 Warehouse inspection fees.

There shall be charged and collected—

(a) For each original examination or inspection, or reexamination or reinspection for modification of an existing license of a warehouse under the Act a fee at the rate of $10 for each 1,000 hundredweight of storage capacity, or fraction thereof determined in accordance with § 106.12(a), but in no case less than $100 nor more than $500; and

(b)(1) For each licensed warehouse an annual fee computed in accordance with the following table:

Licensed capacity (hundredweight)	Annual fee (dollars)
Less than 90,000	$500
90,100 to 150,000	700
150,100 to 300,000	900
300,100 to 450,000	1,100
450,100 to 600,000	1,300
600,100 to 720,000	1,500
720,100 to 900,000	1,700
900,100 to 1,200,000	1,900
1,200,100 to 1,500,000	2,100
1,500,100 to 3,000,000	2,300
3,000,100 and over	2,500

The licensed capacity shall be that stated in the current warehouse license as determined under § 106.12(a).

(2) If Commodity Credit Corporation has a depository interest in any warehouse covered by this section and shares in the cost of the examination program at that warehouse, the fees stipulated in this section shall be reduced to that warehouseman by the amount Commodity Credit Corporation pays.

§ 106.57 Advance deposit.

Before any license is granted, or an original examination or inspection is made, or reexamination or reinspection for modification of an existing license is made, or when the annual fee for the licensed warehouse is assessed, pursuant to the regulation in this part, the applicant or licensee shall deposit with the Service the amount of the fee prescribed. Such deposit shall be made in the form of a check, certified if required by the Service, draft, or post office or express money order, payable to the order of "Agricultural Marketing Service, USDA."

* * * * *

PART 107—NUT WAREHOUSES

5. Sections 107.56, 107.57 and 107.58 are revised as follows:

Fees

§ 107.56 License fees.

There shall be charged and collected a fee of $50 for each original warehouseman's license, and a fee of $50 for each amended, modified, extended, reinstated or duplicate warehouseman's license applied for by a warehouseman, and a fee of $20 for each license or amendment thereto issued to any person to inspect, grade, or weigh agricultural products stored or to be stored under provisions of this Act.

§ 107.57 Warehouse inspection fees.

There shall be charged and collected—

(a) For each original examination or inspection, a reexamination or reinspection for modification of an

existing license of a warehouse under the Act a fee at the rate of $5 for each 100 tons, or fraction thereof, of peanuts, and $10 for each 1,000 hundredweight, or fraction thereof of other nuts of storage capacity determined in accordance with § 107.6, but in no case less than $100 nor more than $1,000; and

(b)(1) For each licensed warehouse an annual fee at the rate of 10¢ for each ton of licensed capacity, or fraction thereof, but in no case shall the fee be less than $400 nor more than $2,000. The licensed capacity shall be that stated in the current warehouse license as determined under § 107.6.

(2) If Commodity Credit Corporation has a depository interest in any warehouse covered by this section and shares in the cost of the examination program at that warehouse, the fees stipulated in this section shall be reduced to that warehouseman by the amount Commodity Credit Corporation pays.

§ 107.58 Advance deposit.

Before any license is granted, or an original examination or inspection is made, or reexamination or reinspection for modification of an existing license is made, or when the annual fee for the licensed warehouse is assessed, pursuant to the regulation in this part, the applicant or licensee shall deposit with the Service the amount of the fee prescribed. Such deposit shall be made in the form of a check, certified if required by the Service, draft, or post office or express money order, payable to the order of "Agricultural Marketing Service, USDA."

* * * * *

PART 108—SIRUP WAREHOUSES

6. Sections 108.48, 108.49 and 108.50 are revised as follows:

Fees

§ 108.48 License fees.

There shall be charged and collected a fee of $50 for each original warehouseman's license, and a fee of $50 for each amended, modified, extended, reinstated or duplicate warehouseman's license applied for by a warehouseman, and a fee of $20 for each license or amendment thereto issued to any person to inspect, grade, or weigh agricultural products stored or to be stored under provisions of this Act.

§ 108.49 Warehouse inspection fees.

There shall be charged and collected—

(a) For each original examination or inspection, or reexamination or reinspection for modification of an existing license of a warehouse under the Act a fee at the rate of $3 for each 5,000 gallons or fraction thereof of storage capacity determined in accordance with § 108.12(a), but in no case less than $100 nor more than $500; and

(b)(1) For each licensed warehouse an annual fee at the rate of $3 for each 5,000 gallons of licensed capacity, or fraction thereof, but in no case shall the fee be less than $400 nor more than $2,000. The licensed capacity shall be that stated in the current warehouse license as determined under § 108.12(a).

(2) If Commodity Credit Corporation has a depository interest in any warehouse covered by this section and shares in the cost of the examination program at that warehouse, the fees stipulated in this section shall be reduced to that warehouseman by the amount Commodity Credit Corporation pays.

§ 108.50 Advance deposit.

Before any license is granted, or an original examination or inspection is made, or reexamination or reinspection for modification of an existing license is made, or when the annual fee for the licensed warehouse is assessed, pursuant to the regulation in this part, the applicant or licensee shall deposit with the Service the amount of the fee prescribed. Such deposit shall be made in the form of a check, certified if required by the Service, draft, or post office or express money order, payable to the order of "Agricultural Marketing Service, USDA."

* * * * *

PART 111—COTTONSEED WAREHOUSES

7. Sections 111.58, 111.59 and 111.60 are revised as follows:

Fees

§ 111.58 License fees.

There shall be charged and collected a fee of $50 for each original warehouseman's license, and a fee of $50 for each amended, modified, extended, reinstated or duplicate warehouseman's license applied for by a warehouseman, and a fee of $20 for each license or amendment thereto issued to any person to inspect, grade, or weigh agricultural products stored or to be stored under provisions of this Act.

§ 111.59 Warehouse inspection fees.

There shall be charged and collected—

(a) For each original examination or inspection, or reexamination or reinspection for modification of an existing license of a warehouse under the Act a fee at the rate of $10 for each 1,000 tons of storage capacity, or fraction thereof determined in accordance with § 111.13, but in no case less than $100 nor more than $500; and

(b)(1) For each licensed warehouse an annual fee at the rate of $10 for each 1,000 tons of licensed capacity, or fraction thereof, but in no case shall the fee be less than $400 nor more than $2,000.

(2) If Commodity Credit Corporation has a depository interest in any warehouse covered by this section and shares in the cost of the examination program at that warehouse, the fees stipulated in this section shall be reduced to that warehouseman by the amount Commodity Credit Corporation pays.

§ 111.60 Advance deposit.

Before any license is granted, or an original examination or inspection is made, or reexamination or reinspection for modification of an existing license is made, or when the annual fee for the licensed warehouse is assessed, pursuant to the regulation in this part, the applicant or licensee shall deposit with the Service the amount of the fee prescribed. Such deposit shall be made in the form of a check, certified if required by the Service, draft, or post office or express money order, payable to the order of "Agricultural Marketing Service, USDA."

* * * * *

Done at Washington, D.C., December 23, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-37146 Filed 12-29-81; 8:45 am]

BILLING CODE 3410-02-M

Reader Aids

Federal Register

Vol. 46, No. 250

Wednesday, December 30, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	523-4986
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
Privacy Act Compilation	523-3517
United States Government Manual	523-5230

SERVICES

Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public Inspection Desk	523-4986
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, DECEMBER

58271-58480	1
58481-58638	2
58639-59226	3
59227-59526	4
59527-59940	7
59941-60172	8
60173-60410	9
60411-60564	10
60565-60798	11
60799-61064	14
61065-61244	15
61245-61440	16
61441-61632	17
61633-61832	18
61833-62044	21
62045-62238	22
62239-62390	23
62391-62640	24
62641-62804	28
62805-63030	29
63031-63202	30

CFR PARTS AFFECTED DURING DECEMBER

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

305	62805

3 CFR

Administrative Orders:

Presidential Determinations:

No. 73-10 of January 2, 1973 (Amended by Presidential Determination No. 82-2 of November 23, 1981)	58481
No. 82-2 of November, 23 1981	58481
No. 82-3 of December 5, 1981	62241

Proclamations:

4334 (Terminated in part by Proc. 4888)	62645
4463 (Terminated in part by Proc. 4888)	62645
4466 (Terminated in part by Proc. 4888)	62645
4539 (Terminated in part by Proc. 4888)	62645
4631 (Terminated in part by Proc. 4888)	62645
4720 (Terminated in part by Proc. 4888)	62645
4885	60173
4886	61245
4887	62641
4888	62645

Executive Orders:

July 2, 1910 (Revoked in part by PLO 6097)	62451
May 27, 1913 (Revoked by PLO 6094)	59974
April 17, 1926 (Revoked by PLO 6095)	62450
February 7, 1933 (Revoked in part by PLO 6093)	58491
12036 (Revoked by EO 12333)	59941
12050 (Revoked in part by EO 12336)	62239
12135 (Revoked by EO 12336)	62239
12258 (Revoked in part by EO 12336)	62239
12333	59941
12334	59955
12335	61633
12336	62239

5 CFR

213	58271
316	61065
550	58271
890	59227, 61066
1201	62045

Proposed Rules:

213	60590
890	61132
891	61132
1252	60591
1253	60591
2502	62464

7 CFR

Ch. XVIII	61988
2	59227, 62046, 62391
29	62391
102	63198
103	63198
104	63198
106	63198
107	63198
108	63198
111	63198
201	59527
271	60160, 62,808
272	60160
273	60160
274	60160
278	60160, 62808
301	60799, 61066, 61833
725	62047
729	62048
800	58277, 60411
904	61833
905	58483, 60170, 60411, 61441
907	58278, 58639, 60412, 61442, 62394
910	59228, 60565, 61635, 62394
912	61833
913	61833
928	58639, 59228, 61833
944	60170
959	59228
966	60175, 61833
971	61833
982	62243
984	59228, 59229
987	59228
989	58640, 59228
991	60177
993	61635
1001	58641
1030	58278
1032	59230
1065	60800
1133	60412
1135	62810
1403	61442

1421.....59957, 61247, 61833
1427.....61834
1443.....61248
1446.....61637
1701.....61639, 61640, 62049
1822.....60179
1863.....60179
1872.....60179
1910.....60801
1924.....60179, 60801
1927.....60179
1941.....60801
1943.....60801
1951.....60179
1955.....60179
1960.....61640
2555.....62244
2856.....58643, 62244
2859.....62244
2870.....62244

Proposed Rules:

53.....63052
102.....59930
225.....60592, 62081
272.....60614
442.....58492
701.....60616
959.....61664
987.....62280
1004.....58337
1135.....61480, 62281
1421.....63075
1427.....60210
1438.....62081
1904.....61291
1924.....58497
1944.....58497, 61291
2853.....63052

8 CFR

238.....62647

9 CFR

51.....60565, 61641
71.....59527
83.....59527
91.....59959
92.....60806, 62395, 62811
201.....60414
202.....60414
203.....60414
204.....60414

10 CFR

2.....58279
11.....58281
14.....62081
19.....58281
20.....58281
21.....58281
25.....58281
40.....62396
50.....58484, 63031, 63033
72.....58281
75.....58281
95.....58281
170.....58281
378.....62226
500.....59872
501.....59872
503.....59872, 63033
504.....59672
505.....59872
1504.....61222

Proposed Rules:

Ch. I.....58340
20.....60005
50.....61132-61136, 61484, 61894, 62281
70.....61136
73.....61136
430.....61485
456.....58340, 58341
478.....58500
500.....59924
501.....59924
503.....59924
1004.....62464

12 CFR

5.....59232
201.....60189, 61249
204.....62053, 62812
205.....60190
217.....62397
226.....58644, 60190, 61067
308.....62812
329.....61067
335.....61641
338.....61641
523.....59234
522.....63033
563f.....61249
545.....63033
614.....58284, 59959, 59960
615.....59960
701.....62647, 62833
720.....62833
1204.....58285

Proposed Rules:

Ch. VII.....61136
225.....61297
309.....60827
543.....60005
544.....60005
545...58341, 59256, 60005, 63076, 63077
552.....60005
555.....63077
563.....63077
577.....60005
614.....61485
701.....62663

13 CFR

107.....63034
123.....61642

Proposed Rules:

122.....58701

14 CFR

25.....59528
39.....58285, 58644-58647, 59529, 60417-60419, 60807, 60808, 61443-61447, 61835-61837, 62399, 62400
71.....59529-59530, 60810-60812, 61448, 61449, 61838, 62401-62403
73.....58649
93.....60420
95.....62403
97.....58650, 60808, 62436
121.....58651, 61450
127.....58651
135.....58651
145.....58651
171.....61560
250.....61068, 62285
294.....62054

Proposed Rules:

1.....60461
11.....62663
21.....60461, 61486
25.....58702
36.....61486
39.....60828, 62466-62469
43.....60461
45.....60461
47.....60461
61.....60461, 62638
63.....60461
65.....60461
71.....59547, 60462-60464, 60829, 61487-61489, 62469-62471
73.....60465
75.....60466
91.....60461
93.....60461
99.....60461
121.....60461, 61489
123.....60461
125.....60461
127.....60461
133.....60461
135.....60461
137.....60461
141.....60461, 62638
373.....58501

15 CFR

4.....62285
370.....62836
371.....62836
372.....62836
376.....62836
379.....62437
385.....62836
399.....58286, 62438, 62840
806.....60191
904.....61643
922.....61643
970.....61643
981.....61643

Proposed Rules:

2009.....59547

16 CFR

13.....58652-58654, 59532, 62438
1201.....60812

Proposed Rules:

13.....59258, 60211
1145.....58702, 59548
1201.....60830

17 CFR

Ch. I.....63035
1.....62841
15.....59960
16.....59960, 61250
17.....59960
18.....59960
21.....59960
200.....59532, 60192, 63036
230.....58287
231.....60421
240.....58291, 58654, 60193, 61454
241.....60421
249.....62246
271.....60421
274.....62246

Proposed Rules:

1.....61140, 62864
12.....60834
17.....62864
180.....60834
190.....60007
210.....58505-58511
229.....58507, 58511
230.....58511
239.....58511, 62291
240.....58511
249.....58511
260.....58511
274.....62291

18 CFR

34.....60420
154.....58292, 60429
157.....60429
250.....60429
260.....60429
271.....58293-58295, 59533, 60193, 62439, 62440
282.....58296
300.....60813

Proposed Rules:

Ch. X.....60406, 62867
2.....60466, 62472
35.....62472
141.....60214
271.....60467, 60468, 62086
357.....60617

19 CFR

Proposed Rules:

12.....61142
210.....62292

20 CFR

Ch. V.....62844
Ch. VI.....62844
214.....61251
218.....61251
220.....63040
232.....61251
237.....61251
266.....63040
345.....63040
416.....58664

Proposed Rules:

416.....60470

21 CFR

5.....59234
81.....59235
172.....58297, 59968
173.....59235
175.....60566
177.....58297
178.....59235, 60566
193.....58486
312.....59968
430.....58297, 61068, 61071
431.....60567, 61071
436.....58297, 60567, 61068, 61071
440.....58297, 61071
444.....60567, 61071
446.....60567
448.....60567, 61071
450.....60567
452.....61071
453.....60567
455.....60567, 61068
460.....60569
510.....60569
520.....60569, 60570, 61653
522.....60569, 61072, 62054

526.....60569
540.....60567
544.....60567
546.....60567
548.....60571
555.....59969
558.....58300, 61073
561.....58487, 51533
610.....62845
808.....59236
1308.....59969, 60572

Proposed Rules:
50.....61666
105.....62868
135.....60007, 62087
148.....58343
168.....60625–60628
193.....58343
452.....62087
455.....62087
555.....62087
1308.....60008

22 CFR
22.....60572
124.....60820
126.....60820
134.....58301
213.....58488

Proposed Rules:
22.....61298
203.....60009

23 CFR
511.....59533
520.....59533
522.....59533
524.....59533
530.....59533
542.....59533
544.....59533
560.....59533

Proposed Rules:
625.....62664
646.....62664
655.....62664
772.....59550

24 CFR
200.....61839
235.....61455
420.....59971

25 CFR
43e.....62648

Proposed Rules:
700.....62476

26 CFR
14a.....61839
301.....60435

Proposed Rules:
1.....61144
31.....61144

27 CFR
9.....59237–59241

Proposed Rules:
9.....59273–59276

28 CFR
16.....61455
503.....59506
522.....59506
527.....59506
543.....59506
551.....59506

Proposed Rules:
571.....59510

29 CFR
Ch. V.....62844
Ch. XVII.....62844
Ch. XXV.....62844
16.....63020
1601.....62055
1910.....60758
2200.....63041
2204.....59243
2520.....61074
2530.....59243, 60572
2619.....61084
2621.....62440

Proposed Rules:
1910.....61671
2670.....62087
2672.....62087

30 CFR
221.....58304
602.....60435
801.....59934
806.....59934
934.....62253
946.....61085, 61088

Proposed Rules:
Ch. VII.....62477
211.....61424, 63082
221.....61298
730.....59482
731.....59482
732.....59482
733.....59482
736.....59482
840.....58464, 61676
842.....58464, 61676
843.....58464, 61676
845.....58464, 61676
870.....60778
872.....60778
874.....60778
875.....60778
877.....60778
879.....60778
882.....60778
884.....60778
886.....60778
888.....60778
920.....61145
946.....60216
948.....61897

31 CFR
341.....60572
346.....60577
535.....59939

32 CFR
57.....62256
70.....62441
166.....60821
199.....62846
210.....58306
288.....61254
504.....60194
505.....61115
701.....60445, 62267
1287.....61116
1289.....61116

Proposed Rules:
199.....61299
1608.....62093
1662.....62093
1665.....62093

33 CFR
82.....61456
84.....62443
85.....61845
86.....61845
110.....61457
117.....58665, 60445, 61458, 61459
207.....61116

Proposed Rules:
87.....59533
117.....59534, 60477
159.....62479

34 CFR

Proposed Rules:
642.....61060
643.....61060
644.....61060
645.....61060
646.....61060
776.....59555

35 CFR
Ch. I.....63174

Proposed Rules:
10.....60216
103.....60013

36 CFR
272.....62056

37 CFR
201.....58307
202.....58671
307.....62267

38 CFR
1.....62056
3.....59971
21.....59246, 62059

Proposed Rules:
1.....62296
36.....62868

39 CFR
111.....59247, 60200, 60201, 61460, 62264, 62449
601.....61117
958.....62846

Proposed Rules:
111.....61897

40 CFR
51.....61612
52.....58673, 59536, 59971–59973, 60202, 60204, 61117–61124, 61254–61270, 61612, 61653, 61849, 62060–62064, 62273, 62651, 62847–62850, 63042, 63043
60.....61125, 62065–62067, 62449
62.....62850, 62852
81.....59974, 61126, 61271, 61655
122.....60446
123.....58488
136.....58489
180.....58314, 58490, 59248, 61272, 62274, 62275, 63044, 63045
260.....59537
261.....61272
262.....60446

Proposed Rules:
1.....62098
51.....61613
52.....60015–60017, 60217, 61490, 61491, 61613, 62298, 62665, 63082
65.....61676
81.....60017, 62480
85.....62608
86.....62366, 62608, 62869
122.....61145
123.....60477, 61145
140.....62479
141.....58345
180.....60020, 60217, 62299, 62300, 63085
264.....61145
267.....61145
403.....62098

41 CFR
Ch. 1.....61852
Ch. 7.....62278
Ch. 60.....62844
Ch. 101.....60204
1–3.....61127
1–12.....62276
1–15.....61127
8–1.....60823
8–74.....60823
14.....61462
15–3.....62853
51–4.....63046
101–7.....58315
101–11.....60204

Proposed Rules:
Ch. 9.....62480
101–47.....62301

42 CFR
52.....58674
55.....58675
86.....58675
87.....58675
100.....61287
401.....59249
447.....58677

Proposed Rules:
52d.....58706
86.....58706

43 CFR
7.....58420
20.....58420
1820.....58316
3110.....62038
3200.....62038
3500.....62038

Public Land Orders:
5173 (Amended by PLO 6098).....61472
5180 (Amended by PLO 6098).....61472
5184 (Amended by PLO 6098).....61472
5804.....62068
5924 (Corrected by PLO 6096).....62450

6090 59542
6093 58491
6094 59974
6095 62450
6096 62450
6097 62451
6098 61472
6099 63047

Proposed Rules:
Subtitle A 58346, 60022
3400 ..... 61390, 63082
3410 61390
3420 61390
3430 61390
3440 61390
3450 61390
3460 61390
3470 61390
8350 61677

44 CFR

64 ..... 60448-60451, 62068
65 ..... 58316, 60453, 62070, 63047
67 ..... 58319, 60206, 60581, 61871, 63048, 63049
70 ..... 60207, 61873-61878, 63049, 63050
81 63051

Proposed Rules:
61 63085
67 ..... 59278, 60218-60220, 61898-61907, 62099, 62113, 63094
68 61299
80 61146
81 61146
82 61146
83 61146
84 61146

45 CFR

Proposed Rules:
74 58706
400 60629
401 60629
1336 58706

46 CFR

310 62451
510 62652
522 62652
523 62652
524 62652
534 62652
536 62652
540 62652
542 62652
547 62652
551 62652

Proposed Rules:
510 62667
536 62669

47 CFR

0 ..... 58681, 59975
1 ..... 58681, 60402, 60403
22 60403
63 ..... 58682, 59976
64 59976
73 ..... 58688-58691, 59542-59544, 60454-60456, 61288, 61289, 61658, 62073, 62854-62858
81 ..... 60457, 61879
83 61879
90 ..... 58691, 59996

Proposed Rules:
Ch. I 62869
1 60022
2 ..... 60221, 60633
22 60022
64 60839
73 ..... 58710-58727, 59555-59563, 60023, 60478, 60480, 60851, 61301-61305, 61677, 61679, 62113, 62870-62880
74 ..... 60024, 60222
81 ..... 58347, 60022, 60633, 62113
83 ..... 60022, 60633, 62113
90 ..... 58728, 59564, 60031
97 ..... 60033, 60859

48 CFR

Proposed Rules:
7 60634
15 62670
22 ..... 60634, 62670
34 60634
43 62670

49 CFR

23 60458
171 62452
172 58693
173 ..... 58693, 62452
175 58693
176 58693
178 ..... 58693, 62452
571 ..... 61473, 61887
1016 61659
1033 ..... 58491, 58697, 59996, 62860
1056 62654
1136 62462
1201 59249
1206 59545
1207 59545
1241 59249
1310 60208

Proposed Rules:
172 61908
173 61908
175 61908
571 60481
580 60482
1207 60035
1240 60035

50 CFR

20 ..... 58335, 62077
23 60589
32 60825
33 60825
216 61643
218 61643
246 61643
258 58804
285 61643
296 59998
611 ..... 58336, 58698, 60002, 60209, 62862
621 61643
652 60826
671 58699

Proposed Rules:
Ch. VI 60483
16 58348
611 ..... 59278, 59565, 61911
638 62302
657 61911
661 62303
672 59565

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.

REMINDERS

List of Public Laws

Last Listing December 29, 1981

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-275-3030).

S. 1003 / Pub. L. 97-109 To amend title III of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, to authorize appropriations for such title for fiscal years 1982 and 1983, and for other purposes. (Dec. 26, 1981; 95 Stat. 1512) Price: $1.50.

H.R. 4879 / Pub. L. 97-110 "International Banking Facility Deposit Insurance Act" (Dec. 26, 1981; 95 Stat. 1513) Price: $1.50.

S. 1948 / Pub. L. 97-111 To permit to become effective certain Farm Credit Administration regulations which expand the authority of financing institutions, other than farm credit system institutions, to borrow from and discount with Federal intermediate credit banks (Dec. 26, 1981; 95 Stat. 1517) Price: $1.50.

The "reminders" below identify documents that appeared in issues of the Federal Register 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

AGRICULTURE DEPARTMENT

Farmers Home Administration—

54949 11-5-81 / Appeal procedure; comments by 1-4-82

54751 11-4-81 / Insured farmer program borrower responsibilities; comments by 1-4-82

COMMERCE DEPARTMENT

Patent and Trademark Office—

49602 10-7-81 / Trademark application; filing dates; comments by 1-5-82

CONSUMER PRODUCT SAFETY COMMISSION

58702 12-3-81 / Withdrawal of proposed rule and reproposal of rule to regulate under the CPSA risk of injury that may be presented by certain stuffed toys; comments by 1-4-81

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

60214 12-9-81 / Form No. 423: Monthly report of cost and quality of fuels for electric plants; comments by 1-4-82

ENVIRONMENTAL PROTECTION AGENCY

60217 12-9-81 / Approval and promulgation of implementation, Indiana; comments by 1-6-82

55123 11-6-81 / Approval and promulgation of implementation plans; Iowa; comments by 1-5-82

55220 11-6-81 / Grants for construction of treatment works; comments by 1-6-82

55551 11-10-81 / Interstate pollution abatement; Announcement of receipt of petition from Maine; comments by 1-4-82

45383 9-11-81 / Interstate pollution abatement; Announcement of supplemented petition for New York and Pennsylvania; comments by 1-4-82

60217 12-9-81 / Phenmedipham; tolerance; comments by 1-8-82

FEDERAL COMMUNICATIONS COMMISSION

56836 11-9-81 / Elimination of requirement for type approval of aural modulation monitors; extension of time; reply comments by 1-5-82

[*See also* 46 FR 52398; 10-27-81]

52151 10-26-81 / FM broadcast station; Atlantic City, N.J.; changes in table of assignments; reply comments by 1-4-82

52145 10-26-81 / FM broadcast station; Celina, Clinton, Knoxville, LaFollette, and Sweetwater, Tennessee; Louisville, Oneida, Radcliff, Somerset, and Stanford, Kentucky; Madison and New Albany, Indiana; changes in Table of Assignments; comments by 1-4-82

56833 11-19-81 / FM broadcast station; changes in table of assignments; Freeport, Tex.; comments by 1-4-82

60221 12-9-81 / Frequency allocations and radio treaty matters general rules and regulation; reply comments by 1-6-82

57078 11-20-81 / Subscription television service; reply comments by 1-5-82

FEDERAL MARITIME COMMISSION

54390 11-2-81 / Tariffs filed by common carriers in foreign commerce of U.S.; time/ volume rate contracts; filing regulations; comments by 1-4-82

FEDERAL RESERVE SYSTEM

55533 11-10-81 / Credit by brokers and dealers; proposal to permit use of letters of credit as the required deposit when securities are borrowed; comments by 1-5-82

FEDERAL TRADE COMMISSION

54756 11-4-81 / Gifford-Hill-American, Inc.; proposed consent agreement with analyses to aid public comment; comments by 1-4-82

54758 11-4-81 / Renuzit Home Products Co.; proposed consent agreement with analysis to aid public comment; comments by 1-4-82

Deadlines for Comments on Proposed Rules for the Week of January 3 through January 9, 1982

HEALTH AND HUMAN SERVICES DEPARTMENT

Child Support Enforcement Office—

54554 11-2-81/Requests to use Federal Parent Locator Service in parental kidnapping and child custody cases; comments by 1-4-82

INTERSTATE COMMERCE COMMISSION

56629 11-18-81/Rules governing publication of exceptions ratings higher than classification ratings; comments by 1-4-82

MANAGEMENT AND BUDGET OFFICE

56223 11-16-81/Application of labor laws to government acquisitions, dismantling, demolition or removal of improvements, and contract termination clauses; comments by 1-6-82

NUCLEAR REGULATORY COMMISSION

55271 11-9-81/Transfer of respiratory protection provisions from regulatory guide (now incorporated by reference) into Code of Federal Regulations; comments by 1-4-82

PERSONNEL MANAGEMENT OFFICE

55119 11-6-81/Pay administration (general); recovery of overpayments; comments by 1-5-82

SMALL BUSINESS ADMINISTRATION

58701 12-3-81/Business loans; export revolving line of credit loans; comments by 1-4-81

TRANSPORTATION DEPARTMENT

Coast Guard—

49914 10-8-81/Life floats and buoyant apparatus; requirements for painters with float-free links and other changes; comments by 1-6-82

Federal Aviation Administration—

54958 11-5-81/Advisory circular for airplane system design analysis; comments by 1-5-82

54957 11-5-81/Summary of petitions received and dispositions of petitions denied or withdrawn; comments by 1-5-82

TREASURY DEPARTMENT

Alcohol, Tobacco, and Firearms Bureau—

49597 10-7-81/Finger Lakes Viticultural Area; comments by 1-5-82

[Corrected at 46 FR 50508, 10-14-81]

Customs Service—

55273 11-9-81/Establishment of procedures for importation of certain antique articles; comments by 1-8-82

Fiscal Service—

54763 11-4-81/Extension of the Treasury's reclamation authority; comments by 1-6-82

Deadlines for Comments on Proposed Rules for the Week of January 10, 1982 through January 16, 1982

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service—

55918 11-13-81/Mediterranean fruit fly; removal of emergency regulations; comments by 1-12-82

Food and Nutrition Service—

62081 12-22-81/Summer food service program; comments extended to 1-11-82

[*See also* 46 FR 60592, 12-11-81]

COMMERCE DEPARTMENT

International Trade Administration—

56169 11-16-81 CCL Amendments: Centrifugal Balancing Machines; comments by 1-15-82

National Oceanic and Atmospheric Administration—

57707 11-25-81/Atlantic surf clam and ocean quahog fisheries; comments by 1-11-82

ENERGY DEPARTMENT

Conservation and Renewable Energy Office—

55628 11-10-81/Methane transportation research and development; comments by 1-11-82

55836 11-12-81/Residential Conservation Service Program; comments by 1-11-82

ENVIRONMENTAL PROTECTION AGENCY

61118 12-15-81/Approval and promulgation of air quality implementation plan; sulfur-in-fuel revision; Eastman Gelatine Corp.; Massachusetts; final rule; comments by 1-14-82

61126 12-15-81/Designation of area for air quality planning purposes; Wisconsin; final rule; comments by 1-14-82

FEDERAL COMMUNICATIONS COMMISSION

55124 12-6-81 / Digital Termination Systems; order extending time for filing comments and reply comments; comments by 1-14-82

[Original document published 46 FR 45635, 9-14-81]

50991 10-16-81/Effective radiated power limitations for amateur radio stations in repeated operation; comments by 1-15-82

56835 11-19-81/FM broadcast station; changes in table of assignments; Eagar, Ariz.; comments by 1-11-82

53469 10-29-81/FM broadcast stations in Belleville, Kansas, Hastings and Haldrege, Nebraska; changes in table of assignments; comments by 1-11-82

53471 10-29-81/FM broadcast stations in Montevideo, Olivia, and Ortonville, Minn.; changes in table of assignments; reply comments by 1-11-82

61305 12-16-81/Formulation of policies relating to the broadcast renewal applicant stemming from the comparative hearing process; comments by 1-15-82

50568 10-14-81/Radio Frequency Interference (RFI) to electronic equipment; reply comments by 1-15-82

60851 12-14-81/Transmission of Teletext by TV stations; proposed authorization; comments by 1-11-82

56831 11-19-81/TV broadcast station; changes in table of assignments; Greenwood, S.C.; reply comments by 1-15-82

56836 11-19-81/TV broadcast station; changes in tables of assignments; Ironton, Mo.; comments by 1-11-82

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

61068 12-15-81/Antibiotic drugs for human use; moxalactam disodium for injection; final rule; comments by 1-14-82

61071 12-15-81/Antibiotic drugs for human use; revocation of certain monographs; final rule; comments by 1-14-82

INTERIOR DEPARTMENT

Fish and Wildlife Service—

58348 12-1-81/Review of information concerning the raccoon dog; comments by 1-15-82

Land Management Bureau—

56132 11-13-81/Grazing administration; public rangelands; comments by 1-12-82

National Park Service—

56183 11-16-81/National Register of Historic Places (final rule); by 1-15-82

56209 11-16-81/National Register of Historic Places; comments by 1-16-82

NUCLEAR REGULATORY COMMISSION

55992 11-13-81/Packaging of radioactive material for transport and transportation of radioactive material under certain conditions; comments by 1-12-82

61134 12-15-81/Production and utilization facilities, domestic licensing; emergency planning and preparedness; exercises; comments by 1-14-82

51776 10-22-81/Radioactive wastes; specific requirements for licensing land disposal; availability of environmental statement; comments by 1-14-82

51776 10-22-81/Radioactive wastes; specific requirements for licensing land disposal; extension of time; comments by 1-14-82

[Originally published at 46 FR 38081, 7-24-81]

Transportation Department Coast Guard—

56316 11-16-81/Documentation of Vessels; comments by 1-15-82

58665 12-3-81/Drawbridge Operation Regulations; Opening Signals for Drawbridges; comments by 1-18-82

TREASURY DEPARTMENT

Alcohol, Tobacco, and Firearms Bureau—

53691 10-30-81/Proposed Shenandoah Valley Viticultural area, Harrisonburg, Va., 1-12 and 1-13-81

Internal Revenue Service—

55544 11-10-81/Certain cash or deferred arrangements under employee plans; comments by 1-11-82

55544 11-10-81/Mortgage subsidy bonds; comments by 1-11-82

Next Week's Meetings

DEFENSE DEPARTMENT

Army Department—

61163 12-15-81 / Army Science Board, Follow-On of the 1981 Summer Study on Equipping the Army 1990-2000 Ad Hoc Sub-Group, Washington, D.C. (closed), 1-7 and 1-8-82

Navy Department—

61694 12-18-81 / Chief of Naval Operations Executive Panel Advisory Committee, Strategy Subpanel, American Embassy, Tokyo and the Naval Base, Yokosuka (closed), 1-7 through 1-9-82

Office of the Secretary—

57338 11-23-81 / Defense Science Board EW Task Force, Washington, D.C. (closed), 1-6-82

60873 12-14-81 / Defense Science Board Task Force on Application of High Technology to Ground Forces, Arlington, Va. (Pentagon) (closed), 1-5-82

60873 12-14-81 / Defense Science Board Task Force on University Responsiveness to National Security Requirements, Arlington, Va. (Pentagon) (closed), 1-6-82

57339 11-23-81 / Defense Wage Committee, Washington, D.C. (closed), 1-5-82

EDUCATION DEPARTMENT

61307 12-16-81 / Indian Education, National Advisory Council, Annual Report Committee, Nashville, Tenn. (open), 1-6 and 1-7-82

61308 12-16-81/ Indian Education, National Advisory Council, Nashville, Tenn. (open), 1-8 through 1-10-82

ENERGY DEPARTMENT

Hearings and Appeals Office—

58588 12-2-81 / Implementation of special refund procedures, Washington, D.C., 1-5-82

HEALTH AND HUMAN SERVICES DEPARTMENT

Centers for Disease Control—

60999 12-14-81 / Mine Health Research Advisory Committee, Respirator Research Subcommittee, Rockville, Md. (open), 1-4 and 1-5-82

Food and Drug Administration—

62184 12-22-81 / Consumer exchange, Houston, Tex. (open), 1-8-82

INTERIOR DEPARTMENT

Land Management Bureau—

58748 12-3-81 / Fort Union Regional Coal Team, Billings, Mont. 1-6 and 1-7-82

61736 12-18-81 / Vale District Grazing Advisory Board, Vale, Oreg. (open), 1-5 and 1-6-82

Office of the Secretary—

60277 12-9-81 / Commission on Fiscal Accountability of the Nation's Energy Resources, Washington, D.C., 1-6-82

NUCLEAR REGULATORY COMMISSION

61759 12-18-81 / Reactor Safeguards Advisory Committee, Nuclear Safety Research Program Subcommittee, Washington, D.C. (closed), 1-6-82

PERSONNEL MANAGEMENT OFFICE

61761 12-18-81 / Federal Prevailing Rate Advisory Committee, Washington, D.C. (open), 1-7-82

VETERANS ADMINISTRATION

61767 12-18-81 / Wage Committee, Washington, D.C. (closed), 1-7-82

NEXT WEEK'S PUBLIC HEARINGS

COMMERCE DEPARTMENT

International Trade Administration—

58730 12-3-81 / Louisiana World Exposition; draft environmental impact statement; New Orleans, La., 1-6-82

ENVIRONMENTAL PROTECTION AGENCY

56232 11-16-81 / Designation of aquifer underlying Cape Cod as sole or principal drinking water, Hyannis, Mass., 1-4-82

NUCLEAR REGULATORY COMMISSION

60362 12-9-81 / Philadelphia Electric Co. (Limerick Generating Station, Units 1 and 2), Norristown, Pa., 1-6-82

TRADE REPRESENTATIVE, OFFICE OF UNITED STATES

61358 12-16-81 / California Cling Peach Advisory Board, Washington, D.C., 1-6-82

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 December 22, 1981

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the **Federal Register** during the previous week.

Applications Deadlines

62133 12-22-81 / ED—Fellowships for graduate and professional study; apply by 2-8-82

MEETINGS

62545 12-24-81 / HHS/NIH—Board of Regents of the National Library of Medicine, Extramural Programs Subcommittee, Bethesda, Md. (partially open), 2-4 and 2-5-82

62545 12-24-81 / HHS/NIH—Board of Scientific Counselors, Division of Resources, Centers, and Community Activities, Bethesda, Md. (open), 1-14 and 1-15-82

62546 12-24—81 / HHS/NIH—Breast Cancer Task Force Committee, Bethesda, Md. (open), 1-19 and 1-20-82

62546 12-24-81 / HHS/NIH—National Advisory Allergy and Infectious Diseases Council, Allergy and Immunology Subcommittee, Microbiology and Infectious Diseases Subcommittee, Washington, D.C. (partially open), 1-28 and 1-29-82

62321 12-23-81 / HHS/NIH—National Advisory Child Health and Human Development Council, Bethesda, Md. (partially open), 1-25 and 1-26-82

62546 12-24-81 / HHS/NIH—National Advisory Council on Aging, Bethesda, Md. (partially open), 1-28 and 1-29-82

62547 12-24-81 / HHS/NIH—National Advisory Dental Research Council, Bethesda, Md. (partially open), 1-25 and 1-26-82

62547 12-24-81 / HHS/NIH—National Advisory Environmental Health Sciences Council, Research Triangle Park, N.C. (partially open), 1-25 and 1-26-82

62322 12-23-81 / HHS/NIH—National Advisory General Medical Sciences Council, Bethesda, Md. (partially open), 1-28-82

62322 12-23-81 / HHS/NIH—National Advisory General Medical Sciences Council, Bethesda, Md. (open), 1-28 and 1-29-82

62322 12-23-81 / HHS/NIH—National Advisory Neurological and Communicative Disorders and Stroke Council and the Planning Subcommittee, Bethesda, Md. (partially open), 1-28 and 1-29-82

62547 12-24-81 / HHS/NIH—National Diabetes Advisory Board and its Subcommittees, Bethesda, Md. (open), 1-11 and 1-12-82

62547 12-24-81 / HHS/NIH—National Digestive Diseases Advisory Board, Bethesda, Md. (open), 2-1 and 2-2-82

62321 12-23-81 / HHS/NIH—Neurological Disorders Project Review A Committee, New Orleans, La. (partially open), 2-16-82

62320 12-23-81 / HHS/NIH—Neurological Disorders Program-Project Review B Committee, Bethesda, Md. (partially open), 2-12 and 2-13-82

62201 12-22-81 / NFAH—Humanities Panel, Washington, D.C. (closed), 1-5, 1-11, 1-12, 1-14, 1-15, and 1-27 through 1-29-82

62569 12-24-81 / NFAH—Humanities Panel, Washington, D.C. (closed), 1-6 through 1-9, 1-11, 1-13, and 1-15-82

62569 12-24-81 / NFAH—National Council on the Arts, Visual Arts Panel (Painting), Washington, D.C. (closed), 1-12 through 1-15-82

OTHER ITEMS OF INTEREST

62184, 62185 12-22-81 / HHS/PHS—Block grant funds; delegation of authority

62185 12-22-81 / HHS/PHS—Maternal and child health services block grant; delegation of authority

62353 12-23-81 / SFC—Notice of supplement to Initial Solicitation for Synthetic Fuels Projects

62353 12-23-81 / SFC—Notice of Second Solicitation for Synthetic Fuels Projects



Just Released

Code of Federal Regulations

Revised as of October 1, 1981

Quantity	Volume	Price	Amount
_____	Title 45—Public Welfare (Parts 500 to 1199)	$7.50	$_____
_____	Title 46—Shipping (Parts 30 to 40)	5.50	_____
		Total Order	$_____

A Cumulative checklist of CFR issuances for 1981 appears in the back of the first issue of the Federal Register each month in the Reader Aids section. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected).

Please do not detach

Order Form

Mail to: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed find $_____. Make check or money order payable to Superintendent of Documents. (Please do not send cash or stamps). Include an additional 25% for foreign mailing.

Charge to my Deposit Account No.

☐☐☐☐☐☐–☐

Order No._____

VISA*

MasterCard

Credit Card Orders Only

Total charges $_____ Fill in the boxes below.

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month/Year ☐☐☐☐

Please send me the **Code of Federal Regulations** publications I have selected above.

Name—First, Last

Street address

Company name or additional address line

City State ZIP Code

(or Country)

PLEASE PRINT OR TYPE

For Office Use Only.

	Quantity	Charges
Enclosed		
To be mailed		
Subscriptions		
Postage		
Foreign handling		
MMOB		
OPNR		
UPNS		
Discount		
Refund		