

# Federal Register

Monday  
January 11, 1982

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## Highlights

- 1117 Community Development** HUD/CPD removes regulations on certain community development grant and loan assistance programs.
- 1248, 1254 Hazardous Waste** EPA issues regulations on hazardous waste management and disposal facilities. (2 documents) (Parts III and IV of this issue)
- 1146 Highways and Roads** DOT/FHWA proposes to revise subcontracting regulations for Federal-aid highway construction work.
- 1229** DOT/FHWA requests comments on implementation of new Post-Interstate Construction Program.
- 1177 Oil and Gas Exploration** Interior requests information on noncompetitive oil and gas lease rentals.
- 1242 Endangered and Threatened Wildlife** Interior/FWS announces recommendation that bobcats be removed from list of species protected in international trade.
- 1137 Energy—National Defense** DOE/ERA proposes to remove emergency coal supply allocation regulations.

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## Highlights

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# Rules and Regulations

Federal Register

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 9 CFR Part 82

[Docket 81-105]

#### Exotic Newcastle Disease; and Psittacosis or Ornithosis in Poultry Areas Quarantined

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** The purpose of this amendment is to quarantine portions of El Paso County in Colorado because of the existence of exotic Newcastle disease. Exotic Newcastle disease was confirmed in such portions of El Paso County on December 21, 1981 and December 28, 1981. Therefore, in order to prevent the dissemination of exotic Newcastle disease, it is necessary to quarantine the affected areas.

**EFFECTIVE DATE:** January 5, 1982.

**FOR FURTHER INFORMATION CONTACT:** W. W. Buisch, Chief, National Emergency Field Operations, Emergency Programs, Veterinary Services, USDA, Federal Building, Room 748, Hyattsville, MD 20782, 301-436-8073.

#### SUPPLEMENTARY INFORMATION:

#### Executive Order 12291 and Emergency Action

This final action has been reviewed in conformance with Executive Order 12291, and has been determined to be not a "major rule." Also, the emergency nature of this action makes it impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule.

The Department has determined that this rule will have an annual effect on the economy of less than \$100 million;

will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not have any significant adverse effects on competition, employment, investment, productivity, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Dr. J. K. Atwell, Deputy Administrator, USDA, APHIS, VS, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this final action. This amendment is necessary to prevent the interstate spread of exotic Newcastle disease, a communicable disease of poultry, and must be made effective immediately to accomplish its purpose in the public interest.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the Federal Register.

#### Certification Under the Regulatory Flexibility Act

Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because the quarantine imposed due to the existence of exotic Newcastle disease affects only two premises, neither of which are owned by a small entity.

This amendment quarantines portions of El Paso County in Colorado because of the existence of exotic Newcastle disease. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah, and psittacine birds, and birds of all other species under any form of confinement, and their carcasses, and parts thereof, and certain other articles, from quarantined areas, as contained in 9 CFR Part 82, as amended, will apply to the quarantined areas.

#### PART 82—EXOTIC NEWCASTLE DISEASE IN ALL BIRDS AND POULTRY; PSITTACOSIS AND ORNITHOSIS IN POULTRY

Accordingly, Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respect:

In § 82.3, new paragraph (c)(1) is added to read:

#### § 82.3 Imposition and removal of quarantine.

\* \* \* \* \*

(c) \* \* \*  
(1) *Colorado.* (i) The premises of Ms. Megan Christiansen and Ms. Rebecca Taggart, 416 San Rafael, Colorado Springs, El Paso County.

(ii) The premises of Mr. Steve Kehayas, Bird Paradise Pet Shop, 3959 Palmer Park Blvd., Colorado Springs, El Paso County.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; [21 U.S.C. 111-113, 115, 117, 120, 123-126, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141])

Done at Washington, D.C., this 5th day of January 1982.

J. K. Atwell,

*Deputy Administrator, Veterinary Services.*

[FR Doc. 82-579 Filed 1-8-82; 8:45 am]

BILLING CODE 3410-34-M

## SMALL BUSINESS ADMINISTRATION

### 13 CFR Part 124

#### Minority Small Business and Capital Ownership Development Assistance

**AGENCY:** Small Business Administration.  
**ACTION:** Final rule.

**SUMMARY:** The amendment is a revision of 124.1-2(c)(2) of the Minority Small Business and Capital Ownership Development Assistance program regulations dealing with authority to approve requests for advance payments on a particular section 8(a) subcontract. The amendment withdraws authority from the Regional Administrators and places it with the Administrator with authority to delegate to program officials. This amendment was published in proposed form in the Federal Register of June 18, 1981 (46 FR 31899). The proposed amendment is hereby adopted as proposed.

**EFFECTIVE DATE:** January 11, 1982.

**FOR FURTHER INFORMATION CONTACT:**

Charlie L. Dean, Chief Counsel for Special Programs, Office of General Law, (202) 653-6699.

**SUPPLEMENTARY INFORMATION:**

Comments were received from eight firms or individuals. The original 30 day comment period was extended for an additional 30 days. All of the comments indicated a belief that, under the proposed rule, decisions for approving advance payments for 8(a) subcontractors would be made in the Central Office away from the Regional Office that knows and understands the 8(a) contractor's problem. Even though the Administrator has the authority to approve or decline all requests for advance payments under the final rule adopted, he intends to delegate to the Regional Administrators the authority to decline any advance payment request and approval authority up to a certain amount. In the future, the delegated authority may be increased. The Agency believes that it is necessary and appropriate in the management of the Minority Small Business and Capital Ownership Development program that certain requests for advance payments be reviewed and approved by Central Office officials.

Another argument made by the comments received is that the proposed rule would cause unnecessary delay in approving advance payment requests. Since it is our experience that advance payments are typically approved well in advance of the actual award of the contract to the 8(a) concern, this concern seems unfounded.

For the purpose of Executive Order 12291, effective February 17, 1981, SBA has determined that this final rule does not constitute a major rule. In addition, SBA certified that, for the purposes of the applicability of the requirements of 603 and 604 of the Regulatory Flexibility Act (Pub. L. 96-354, September 19, 1980, 5 U.S.C. 603 and 604), this final rule will not have a significant economic impact on a substantial number of small entities.

Dated: November 23, 1981.

Michael Cardenas,  
Administrator.

**PART 124—MINORITY SMALL BUSINESS AND CAPITAL OWNERSHIP DEVELOPMENT ASSISTANCE**

Therefore, pursuant to the authority of section 5(b)(6) of the Small Business Act (15 U.S.C. 634(b)(6)), the Small Business Administration amends Part 124 of its Regulations (13 CFR Part 124) by

revising § 124.1-2(c)(2) to read as follows:

**§ 124.1-2 Advance payments.**

\* \* \* \* \*

(c) \* \* \*

(2) Based upon a review of all circumstances and evidence, SBA shall decide whether to approve or deny a request for advance payments. The approval or denial authority may be delegated by the Administrator, in whole or part, to designated SBA officials. The section 8(a) business concern, the bank selected pursuant to § 124.1-2(c)(1)(ii) above, and SBA shall execute an Advance Payment Agreement which shall set forth the terms and conditions governing advance payments.

[FR Doc. 82-599 Filed 1-8-82; 8:45 am]

BILLING CODE 8025-01-M

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. 81-WE-23-AD; Amdt. 39-4292]

**Airworthiness Directives; Hughes Helicopters Model 369 Series Helicopters**

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new Airworthiness Directive (AD) which requires replacement of the existing RPM Governor Lever Control Rod with an improved rod on Hughes Helicopters Model 369 Series helicopters. The AD is needed to prevent rod failure which could result in loss of control of engine power.

**DATES:** Effective January 7, 1982.

Compliance schedule—Compliance required within 25 hours' additional time in service from the effective date of this AD unless already accomplished.

**ADDRESSES:** The applicable service information may be obtained from: Hughes Helicopters, Inc., Centinela and Teale Streets, Culver City, California 90230.

Also, a copy of the service information may be reviewed at, or a copy obtained from:

Rules Docket in Room 916, FAA, 800 Independence Avenue, SW., Washington, D.C. 20591, or Rules Docket in Room 6W14, FAA Western-Pacific Region, 15000 Aviation Boulevard, Hawthorne, California 90261.

**FOR FURTHER INFORMATION CONTACT:**

Harold W. Ferris, Aerospace Engineer, Propulsion Section, AWP-214, Engineering and Manufacturing Branch, Federal Aviation Administration, Western-Pacific Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213)-536-6381.

**SUPPLEMENTARY INFORMATION:** There have been five reports of loss of control of engine power on Hughes Helicopters Model 369 Series helicopters which have been attributed to failure of the P/N 369A7706-3 RPM Governor Lever Control Rod. Since this condition is likely to exist or develop on other helicopters of the same type design, an Airworthiness Directive is being issued which requires replacement of the aluminum control rod with a steel control rod (P/N 369A7706-5) on Hughes Helicopters Model 369 Series helicopters.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

**Adoption of the Amendment**

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

**Hughes Helicopters:** Applies to Model 369 Series helicopters, certified in all categories.

Compliance required as indicated, unless already accomplished.

To prevent loss of control of engine power due to control rod failure, accomplish the following:

(a) Within 25 hours' additional time in service after the effective date of this AD, remove P/N 369A7706-3 RPM Governor Lever Control Rod and replace with P/N 369A7706-5 RPM Governor Lever Control Rod.

**Note.**—Hughes Helicopters Notice No. DN-87 and HN-169, dated May 15, 1981, refers to this subject.

(b) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate helicopters to a base for the accomplishment of inspections or modifications required by this AD.

(c) Alternative inspections, modifications or other actions which provide an equivalent level of safety may be used when approved by the Chief, Engineering and Manufacturing Branch, FAA Western-Pacific Region.

This amendment becomes effective January 7, 1982.

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

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

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

Issued in Los Angeles, Calif., on December 21, 1981.

H. C. McClure,

Director, FAA Western-Pacific Region.

[FR Doc. 82-640 Filed 1-8-82; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 39

[Docket No. 81-NW-95-AD; Amdt. 39-4299]

### Airworthiness Directives: Boeing Model 737 Series Lower Lobe Hot-Bonded Skin Panel Inspection, Repair and Replacement

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

**ACTION:** Final rule.

**SUMMARY:** This Amendment adopts a new Airworthiness Directive (AD) which requires inspection, and repair or replacement as necessary of the lower lobe body skin panels on certain Boeing 737 series aircraft. Numerous reports have been received of lower lobe doubler-to skin bond separation, corrosion and cracks on 737 series airplanes with as little as 1400 flight hours time in service. This AD is prompted by the discovery of skin cracks up to 28 inches in length beneath the wing-to-body fairings and other corrosion experience with lower lobe skin panels that progressed to an extreme condition. If left undetected such corrosion, bond separation and skin cracking could lead to rapid

decompression and possible loss of the airplane.

**DATE:** Effective date January 18, 1982.

**ADDRESSES:** The alert service bulletin and documents specified in this Airworthiness Directive may be obtained upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124, or may be examined at FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108.

**FOR FURTHER INFORMATION CONTACT:** Mr. Roger D. Anderson, Airframe Branch, ANM-120S, Seattle Area Aircraft Certification Office, FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, 98108, telephone (206) 767-2516.

**SUPPLEMENTARY INFORMATION:** Boeing Service Bulletin 737-53-1042 was originally issued in February, 1974, after nine operators reported 15 instances of delamination and corrosion of the hot-bonded doubler and skin panels located under the forward and aft cargo compartment floor. The FAA at that time considered this a maintenance problem. Recently one operator discovered a 28 inch crack along stringer 27 right, between body stations 500B and 520, under the forward wing-to-body fairing. That operator then initiated a fleet inspection and found a 4-inch skin crack in about the same location on another airplane. Another operator had found a corrosion related 22 inch body skin crack under the forward wing-to-body fairing during a "C" check inspection.

In recognition of recent service experience, including extensive heavy corrosion in the bilge area on an airplane which came apart in flight for unknown reasons, mandatory inspection and repair or replacement is now required to prevent corrosion, bond separation and skin cracking from progressing to an extreme situation which might involve rapid decompression and possible loss of the airplane.

Since a situation exists which requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

#### Adoption of the Amendment

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

**Boeing:** Applies to Model 737 series airplanes, certificated in all categories, listed in Boeing Alert Service Bulletin No. 737-53A1042 Revision 3, or later FAA approved revision.

To detect, prevent, arrest, and/or repair damage due to corrosion in the lower body skins, accomplish the following:

A. Within 30 days time-in-service after the effective date of this AD, unless accomplished within the last 60 days time-in-service, and thereafter at intervals not to exceed 90 days since the last inspection inspect the exterior body skin from body station 360 to 540 between stringers 26 right and 26 left and from body station 727 to 1016 between stringers 25 right and 25 left including areas covered by fairings for skin cracks or dished/deformed or popped rivet heads. If any of these defects are noted, prior to further flight accomplish 1 or 2 below:

1. Internally inspect area of distress. Clean up corrosion, repair or replace damaged structure in accordance with Section III, Part II, III, or IV of Boeing Service Bulletin 737-53A1042, Revision 3 or a later FAA approved revision or the 737 Structural Repair Manual and saturate the internal structure surface with BMS3-23 or equivalent.

2. Perform the interim repair of Boeing Service Bulletin 737-53A1042R3NSC1, however, the repair must be replaced in accordance with 1 above within one year after installation.

This inspection is to continue until the inspection of paragraph B. is accomplished.

B. Within 12 months time-in-service after the effective date of this AD, unless accomplished within the last 12 months time-in-service, and at intervals not to exceed 24 months time-in-service, visually inspect the structure internally and externally for corrosion and cracks from body station 360 to 540 between stringers 26 right and 26 left and from body station 727 to 1016 between stringers 25 right and 25 left. Clean up corrosion, repair or replace damaged structure in accordance with Boeing Service Bulletin 737-53A1042, Revision 3 or a later FAA approved revisions or the 737 Structural Repair Manual and saturate the internal structure surface with BMS3-23 or equivalent.

C. Replacement of all affected skin panels in accordance with Section III Part IV of Boeing Service Bulletin 737-53A1042 or a later FAA approved revision constitutes terminating action for this AD.

D. Alternate means of compliance or other actions which provide an equivalent level of safety may be used when approved by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Mountain Region.

E. Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Mountain Region, may adjust the repetitive inspection intervals in this AD, if the request contains substantiating data to justify the increase for the operator.

F. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes unpressurized to a base in

order to comply with the requirements of this AD.

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

All persons affected by this directive who have not already received the above specified alert service bulletin from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington, 98108.

This Amendment becomes effective January 18, 1982.

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

**Note.**—The FAA has determined that this regulation is an emergency regulation that is not major under Executive Order 12291. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "For Further Information, Contact."

**Note.**—This rule is a final order of the Administrator. Under Section 1006(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1486(a)), it is subject to review by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Washington, on December 29, 1981.

Robert O. Brown,

Acting Director, Northwest Mountain Region.

[FR Doc. 82-433 Filed 1-8-82; 8:45 am]

BILLING CODE 4910-13-M

## 14 CFR Part 39

[Docket No. 81-EA-60; Amdt. 39-4298]

### Airworthiness Directives; Piper PA-38-112

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

**ACTION:** Final rule.

**SUMMARY:** This amendment issues a new airworthiness directive (A.D.) applicable to Piper PA-38-112, Serial Nos. 38-78A0001 through 38-81A0051 and 38-81A0105. This A.D. does not apply to those aircraft incorporating Aileron Balance Weight Rib Reinforcement Kit, Piper Part No. 764140. The A.D. requires the inspection, repair or alteration of the aileron balance weight rib. This amendment is

prompted by reports of cracks developing in the flange area of the aileron balance weight rib which could lead to separation of the weight from the rib.

**EFFECTIVE DATE:** January 11, 1982.

Compliance is required as set forth in the A.D.

**ADDRESS:** Piper Service Bulletins may be acquired from the manufacturer at Piper Aircraft Corporation, 820 East Bald Eagle Street, Lock Haven, Pennsylvania 17745.

**FOR FURTHER INFORMATION CONTACT:** J. Maher, Airframe Section, AEA-212, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Tel. 212-995-2875.

**SUPPLEMENTARY INFORMATION:** There have been reports from the field of cracks developing in the aileron balance weight ribs of certain Piper PA-38-112 aircraft. A review of malfunction and defect reports for the last five years indicated five such incidents with aircraft times in service of 328 to 1332 hours.

To prevent possible hazard in flight, this A.D. requires an inspection of the aileron balance weight rib flange area for cracks within the next 100 hours in service and, thereafter, inspections at intervals not to exceed 100 hours in service.

If cracks are found, the A.D. requires replacement of the cracked ribs and incorporation of the Aileron Balance Weight Rib Reinforcement Kit Piper Part No. 764140. This Kit was designed by Piper and is a channel section which is added to the aileron rib channel to form a box beam structure. We agree with Piper that the cracks were caused by torsional load from the balance weight not being on the shear center of the rib channel and that the addition of the reinforcement will change the loading from torsional to bending, thus precluding cracking of the flange radii.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure are impracticable and good cause exists for making this amendment effective in less than 30 days.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations, 14 CFR 39.13, is amended, by issuing a new airworthiness directive as follows:

**Piper:** Applies to Model PA-38-112, Serial Nos. 38-78A0001 through 38-81A0051 and 38-81A0105 certificated in all categories

except aircraft incorporating Aileron Balance Weight Rib Reinforcement Kit, Piper Part No. 764140.

To prevent possible hazards in flight associated with cracks in the Aileron Balance Weight Rib P/N's 77342-16 and -17 accomplish the following within the next 100 hours in service unless already accomplished, and thereafter at intervals not to exceed 100 hours in service from the last inspection.

a. Remove the aircraft wing tips and aileron balance weights.

b. Using a minimum 10 power magnifier, inspect the aileron balance weight rib flange area for cracks.

c. If no cracks are found, reinstall the balance weights and wing tips.

d. If cracks are found, replace the cracked ribs with undamaged ribs of the same part numbers and incorporate Aileron Balance Weight Rib Reinforcement Kit Piper Part No. 764140.

e. Upon the incorporation of Aileron Balance Weight Rib Reinforcement Kit, Piper Part No. 764140, the repetitive inspection required by this AD may be discontinued.

f. Alternate inspections, repairs or alterations which provide an equivalent level of safety may be used when approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

g. Upon submission of substantiating data by an owner or operator through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region may adjust the inspection intervals specified in this AD.

(Piper Service Bulletin No. 723 dated August 19, 1981, refers to this subject.)

**Effective Date:** This amendment is effective January 11, 1982.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, 49 U.S.C. 1354(a), 1421, 1423, and 1431(b); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c) and 14 CFR 11.89)

**Note.**—The Federal Aviation Administration has determined that this regulation is an emergency regulation that is not major under Executive Order 12291. It has been further determined that this document involves an emergency regulation under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "For Further Information Contact."

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

Issued in Jamaica, New York, on December 28, 1981.

Timothy L. Hartnett,  
Acting Director, Eastern Region.  
[FR Doc. 82-434 Filed 1-8-82; 8:45 am]  
BILLING CODE 4910-13-M

#### 14 CFR Part 39

[Airworthiness Docket No. 81-ASW-62;  
Amdt. 39-4294]

#### Airworthiness Directives; Societe Nationale Industrielle Aerospatiale (SNIAS) Models AS350 and AS355 Series Helicopters

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

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) which requires frequent, repetitive visual inspections of the upper vertical fin support fitting on certain Aerospatiale Model AS350 and AS355 series helicopters. The AD is needed to detect possible cracks in the support fitting and prevent separation of the upper vertical fin from the helicopter tail boom. Loss of the upper vertical fin causes a hazardous condition which could result in loss of control.

**DATE:** Effective on January 15, 1982.  
Compliance schedule as required by the AD.

**ADDRESSES:** A copy of the service information may be examined at Office of Regional Counsel, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas. A copy of the service information may be obtained from Aerospatiale Helicopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75051, Attention: Customer Support.

**FOR FURTHER INFORMATION CONTACT:** Chris Christie, Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, Brussels, Belgium, or James H. Major, Helicopter Policy and Procedures Staff, Aircraft Certification Division, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone number (817) 624-4911, extension 502.

**SUPPLEMENTARY INFORMATION:** There have been several reports of cracks occurring in the flanges of the upper vertical fin support fitting, P/N 350A14.1128.20, on certain Aerospatiale Model AS350 helicopters. The support fitting is one of two primary support fittings that attach the upper tail fin to the tail boom. Failure of the support fitting due to possible cracks may result

in loss of the upper vertical fin and in loss of helicopter control. The same support fitting is used on the Model AS355 helicopter and is subject to the same conditions. A modification is approved to permit operators to dispense with inspections after making the modification.

Since this condition is likely to occur on other helicopters of the same type designs, and AD is being issued that requires frequent visual inspection of the flanges of the upper fin support fitting on Aerospatiale Models AS350 series and AS355 series helicopters.

Since a situation exists that requires immediate adoption of the amendment, it is found that notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than 30 days.

#### Adoption of the Amendment

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

**Societe Nationale Industrielle Aerospatiale (SNIAS).** Applies to Model AS350 series helicopters equipped with upper tail fin, P/N 350A.14.0020, and Model AS355 series helicopters equipped with upper tail fin, P/N 350A.14.0522, certified in all categories (Airworthiness Docket No. 81-ASW-62).

Compliance required within 10 hours' time in service after the effective date of this AD unless already accomplished and thereafter at intervals not to exceed 10 hours' time in service from the last inspection unless the tail fin is or has been modified as described in Service Bulletin No. 55.01 or 55.02.

To detect possible cracks in the flanges of the upper vertical fin support fitting and prevent failure of this fitting and loss of the fin, accomplish the following:

- Remove the tail cone fairing, P/N 350A.23.0014.
- Inspect the flanges of the upper vertical fin support fitting for cracks using a light and mirror.
- If a flange of the fitting is cracked, the upper vertical fin must be removed and a serviceable upper fin installed before further flight in accordance with Chapter 55 of the Model AS350 or AS355 Maintenance Manual.
- Install tail cone fairing.
- Equivalent means of compliance with this AD must be approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, Brussels, Belgium.

f. Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations to fly aircraft to a base where compliance with this AD may be accomplished.

g. The following helicopters have been modified and are not affected by this AD.

(1) Model 350 series S/N 1448, 1452, 1456, 1458, 1460, 1463, 1466, 1468, 1470, 1472, 1474, 1476, 1478, 1481, 1484, 1487, 1490, 1493, 1496, 1503, 1506, 1507, and 1509 and subsequent.

(2) Model 355 series S/N 5005, 5006, 5027, 5044, 5048, 5052, 5055, through 5057, 5060, 5063, 5066, 5069, 5070, 5073, 5075, 5081, 5082, 5084 through 5086, 5087, 5089, 5091 and subsequent.

(Aerospatiale Service Bulletin No. 55.02 for Model AS350 and No. 55.01 for Model AS355 pertains to this matter.)

This amendment becomes effective January 15, 1982.

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

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

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

Issued in Fort Worth, Texas, on December 23, 1981.

C. R. Melugin, Jr.,  
Director, Southwest Region.  
[FR Doc. 82-435 Filed 1-8-82; 8:45 am]  
BILLING CODE 4910-13-M

#### 14 CFR Part 71

[Airspace Docket No. 81-AWP-30]

#### Alteration of Control Zone; Van Nuys, Calif.

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

**SUMMARY:** This amendment alters the description of the Van Nuys, California, Control Zone serving Van Nuys Airport to reflect the part-time use status of the control zone to coincide with staffing of the Van Nuys Tower.

**EFFECTIVE DATE:** January 11, 1982.

**FOR FURTHER INFORMATION CONTACT:** Thomas W. Binczak, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261; Telephone (213) 536-6182.

**SUPPLEMENTARY INFORMATION:**

**History**

The purpose of this amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to designate part-time use of the Van Nuys, California, Control Zone. The rule change is minor in nature and does not impose any additional burden on any person. In view of the foregoing, notice and public procedure are unnecessary and the rule may be made effective in less than 30 days.

**The Rule**

This amendment to Subpart F or Part 71 of the Federal Aviation Regulations (14 CFR Part 71) amends the description of the Van Nuys, California, Control Zone by reducing the hours of the control zone. Part 71 of the Federal Aviation Regulations (14 CFR Part 71) was republished in the *Federal Register* on January 2, 1981 (46 FR 455).

**Adoption of the Amendment**

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.171, *Van Nuys, California*, of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 455) is amended, effective 0901 GMT, January 7, 1982, as follows:

**§ 71.171 [Amended].**

Following \* \* \* "longitude 118°25'40"W." Add: "This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory."

(Secs. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510, Executive Order 10854 (24 FR 9565); sec. 6(c), Department of Transportation Act (49 U.S.C. 1955(c)); and 14 CFR 11.69)

**Note.**—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a

substantial number of small entities under the criteria of the Regulatory Flexibility Act. Issued in Los Angeles, California, on December 24, 1981.

**R. L. Devereaux,**  
*Acting Director, Western Pacific Region.*

[FR Doc. 82-452 Filed 1-8-82; 8:45 am]  
BILLING CODE 4910-13-M

**14 CFR Part 71**

[Airspace Docket No. 81-ANW-14]

**Revision of Control Zone; Abbotsford, British Columbia, Canada**

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

**ACTION:** Final rule; request for comments.

**SUMMARY:** This document amends the Abbotsford, British Columbia, Canada Control Zone, insofar as it concerns U.S. airspace, by reducing its size. This relief is the result of the establishment of a Special Air Traffic Area and Airport Traffic Pattern Rule for U.S. airspace near Abbotsford, British Columbia, which is to become effective January 21, 1982.

**EFFECTIVE DATE:** March 11, 1982. Comments must be received on or before February 11, 1982.

**ADDRESS:** Send comments on the rule in triplicate to: Chief, Operations, Procedures, and Airspace Branch, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108.

The official docket may be examined at the following location: Office of the Regional Counsel, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108.

**FOR FURTHER INFORMATION CONTACT:** Robert L. Brown, Airspace Specialist (ANW-534), Operations, Procedures, and Airspace Branch, Air Traffic Division, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108; telephone (206) 767-2610.

**SUPPLEMENTARY INFORMATION:** Effective January 21, 1982, the FAA amended Part 93 of the Federal Aviation Regulations (FAR) to establish a Special Airport Traffic Area and Air Traffic Rule in U.S. airspace near the Abbotsford, British Columbia, Canada Airport (Docket No. 19497; AMDT No. 93-45). That rule will require pilots to establish two-way radio communications with the Canadian Traffic Control Tower and to receive authorization from Canadian Air Traffic Control before operating in the

designated Special Airport Traffic Area. The requirements enhance the level of safety within the designated U.S. airspace by establishing consistency with rules applied in Canadian Positive Control Zones. That rule, in turn, necessitates a redescription of the associated control zone for Abbotsford.

Since this redescription amendment reduces the size of the control zone, it is relieving in nature and notice and public procedure therein are unnecessary.

**Request for Comments on the Rule**

Although this action is in the form of a final rule, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation.

**Adoption of the Amendment**

Accordingly, pursuant to the authority delegated to me, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 455, January 2, 1981) is amended, effective 0901 GMT, March 11, 1982, as follows:

Delete description in its entirety and substitute:

**Abbotsford, British Columbia, Canada**

That airspace in the United States within the area bounded by a line beginning 48°58'00"N; 122°21'43"W, thence eastward and counterclockwise along the arc of a circle of 4 nautical miles radius centered on the Abbotsford airport at 49°01'32"N; 122°21'43"W, thence to 49°02'00"N; 122°28'40"W, to 49°02'00"N; 122°33'45"W, to 48°58'00"N; 122°33'45"W; and thence to the point of beginning, excluding the airspace overlying the territory of Canada.

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

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

Issued in Seattle, Washington, December 31, 1981.

Robert O. Brown,

Acting Director, Northwest Mountain Region.

[FR Doc. 82-447 Filed 1-9-82; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 71

[Airspace Docket No. 81-EA-55]

#### Alteration of Transition Area: Ocean City, Maryland

##### Correction

In FR Doc. 81-36833, appearing at page 63214, in the issue of Thursday, December 31, 1981, make the following change:

On page 63215, in the first column, the first line of the paragraph beginning "1." should read "1. Amend § 71.181 of Part 71, Federal".

BILLING Code 1505-01-M

#### 14 CFR Part 97

[Docket No. 22542; Amdt. No. 1207]

#### Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

**DATES:** An effective date for each SIAP is specified in the amendatory provisions.

**ADDRESSES:** Availability of matters incorporated by reference in the amendment is as follows:

*For Examination*—1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW, Washington, D.C. 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

*For Purchase*—Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA-430), FAA Headquarters Building 800 Independence Avenue, SW., Washington, D.C. 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

*By Subscription*—Copies of all SIAPs, mailed once every 2 weeks, may be ordered from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The annual subscription price is \$135.00.

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

**SUPPLEMENTARY INFORMATION:** This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4 and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the *Federal Register* expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on January 11, 1982 and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National

Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.M.T. on the dates specified, as follows:

1. By amending § 97.23 VOR-VOR/DME SIAPs identified as follows:

\* \* \* Effective March 18, 1982

Salt Lake City UT—Salt Lake City Intl, VOR or TACAN Rwy 16L, Amdt. 8

Salt Lake City UT—Salt Lake City Intl, VOR or TACAN Rwy 16R, Amdt. 20

Salt Lake City UT—Salt Lake City Intl, VOR/DME or TACAN Rwy 34L, Amdt. 5

\* \* \* Effective February 18, 1982

Bakersfield, CA—Meadows Field, VOR Rwy 12L, Amdt. 2

Bakersfield, CA—Meadows Field, VOR Rwy 30R, Amdt. 3

Concord, CA—Buchanan Field, VOR Rwy 19R, Amdt. 10

Marco Island, FL—Marco Island, VOR/DME Rwy 17, Amdt. 1

Miami, FL—Miami Intl, VOR Rwy 30, Amdt. 4

Atlanta, GA—DeKalb-Peachtree, VOR Rwy 27, Amdt. 14

Tifton, GA—Henry Tift Myers, VOR Rwy 27, Amdt. 5

Tifton, GA—Henry Tift Myers, VOR Rwy 33, Amdt. 7

Waycross, GA—Waycross-Ware County, VOR-A, Amdt. 5

Indianapolis, IN—Indianapolis Terry, VOR Rwy 36, Amdt. 5  
 Lexington, KY—Blue Grass, VOR-A, Amdt. 3  
 South Haven, MI—South Haven Muni, VOR Rwy 22, Amdt. 7  
 Oxford, MS—University-Oxford, VOR/DME-A, Amdt. 2  
 Waco, TX—TSTI-WACO, VOR-A, Amdt. 7  
 \* \* \* Effective January 21, 1982  
 Baytown, TX—R.W.J., VOR/DME-A, Original  
 \* \* \* Effective December 24, 1981  
 Baton Rouge, LA—Ryan, VOR/DME Rwy 22, Amdt. 6  
 \* \* \* Effective December 18, 1981  
 San Diego, CA—Brown Field Muni, VOR-A, Amdt. 2  
 \* \* \* Effective December 16, 1981  
 St. Mary's, PA—St. Mary's Muni, VOR Rwy 28, Amdt. 4

Note.—The FAA published an amendment in Docket No. 22464, Amdt. No. 1205 to Part 97 of the Federal Aviation Regulations (Vol. 46 FR No. 239, page 60809; dated December 14, 1981) under Section 97.23 effective January 21, 1982, which is hereby amended as follows: Austin, TX, Lakeway Airpark, VOR/DME-C, orig. change effective date to March 18, 1982.

2. By amending § 97.25 SDF-LOC/LDA SIAPs identified as follows:

\* \* \* Effective February 18, 1982  
 Bakersfield, CA—Meadows Field, LOC BC Rwy 12L, Amdt. 5  
 Concord, CA—Buchanan Field, LDA Rwy 19R, Amdt. 3  
 Miami, FL—Miami Intl, VOR Rwy 30, Amdt. 3  
 Dalton, GA—Dalton Muni, LOC Rwy 14, Original  
 Sterling Rockfalls, IL—Whiteside Co Arpt Jos H. Bittorf Fld, LOC BC Rwy 7, Amdt. 2  
 Indianapolis, IN—Indianapolis Terry, LOC Rwy 36, Original, cancelled  
 \* \* \* Effective January 21, 1982  
 Barre-Montpelier, VT—Edward F. Knapp State, LOC Rwy 17, Amdt. 2

\* \* \* Effective December 28, 1981  
 Eagle, CO—Eagle County, LDA-A, Amdt. 2

\* \* \* Effective December 24, 1981  
 Olathe, KS—Johnson County Executive, LOC Rwy 17, Amdt. 1

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

\* \* \* Effective March 18, 1982  
 Elkhart, KS—Elkhart-Morton County, NDB Rwy 35, Original  
 Oakley, KS—Oakley Muni, NDB Rwy 35, Original  
 \* \* \* Effective February 18, 1982

Bakersfield, CA—Meadows Field, NDB Rwy 30R, Amdt. 2  
 Marco Island, FL—Marco Island, NDB Rwy 35, Amdt. 1  
 Statesboro, GA—Statesboro Muni, NDB Rwy 13, Amdt. 4  
 Statesboro, GA—Statesboro Muni, NDB Rwy 31, Amdt. 4

Tifton, GA—Henry Tift Myers, NDB Rwy 33, Amdt. 9  
 Waycross, GA—Waycross-Ware County, NDB Rwy 18, Amdt. 2  
 Sterling Rockfalls, IL—Whiteside Co Arpt Jos H. Bittorf Fld, NDB Rwy 7, Amdt. 2  
 Indianapolis, IN—Indianapolis Terry, NDB Rwy 36, Amdt. 1  
 Lexington, KY—Blue Grass, NDB Rwy 4, Amdt. 13  
 Grayling, MI—Grayling AAF, NDB Rwy 14, Amdt. 3  
 Gallipolis, OH—Gallia-Meigs Regional, NDB Rwy 23, Amdt. 3  
 Van Wert, OH—Van Wert Muni, NDB Rwy 9, Original  
 Van Wert, OH—Van Wert Muni, NDB Rwy 9, Amdt. 3, cancelled  
 Waco, TX—TSTI-WACO, NDB Rwy 17L, Amdt. 6  
 Waco, TX—TSTI-WACO, NDB Rwy 35R, Amdt. 7

\* \* \* Effective December 17, 1981  
 Reading, PA—Reading Municipal/General Carl A. Spaatz Field, NDB Rwy 36, Amdt. 19

4. By amending § 97.29 ILS-MLS SIAPs identified as follows:

\* \* \* Effective March 18, 1982  
 Salt Lake City, UT—Salt Lake City Intl, ILS Rwy 16L, Amdt. 6  
 Salt Lake City, UT—Salt Lake City Intl, ILS/DME Rwy 16R, Amdt. 1  
 Salt Lake City, UT—Salt Lake City Intl, ILS Rwy 34L, Amdt. 36

\* \* \* Effective February 18, 1982  
 Bakersfield, CA—Meadows Field, ILS Rwy 30R, Amdt. 22  
 Sterling Rockfalls, IL—Whiteside Co Arpt Jos H. Bittorf Fld, Rwy 25, Amdt. 7  
 Indianapolis, IN—Indianapolis Terry, ILS Rwy 36, Original  
 Lexington, KY—Blue Grass, ILS Rwy 4, Amdt. 7  
 Lexington, KY—Blue Grass, ILS Rwy 22, Amdt. 3  
 Waco, TX—TSTI-WACO, ILS Rwy 17L, Amdt. 7

\* \* \* Effective January 21, 1982  
 Barre-Montpelier, VT—Edward F. Knapp State, ILS Rwy 17, Original

\* \* \* Effective December 24, 1981  
 Riverside, CA—Riverside Muni, ILS Rwy 9, Amdt. 5

\* \* \* Effective December 18, 1981  
 Kansas City, MO—Richards-Gebaur, ILS Rwy 36, Amdt. 1

\* \* \* Effective December 17, 1981  
 Reading, PA—Reading Municipal/General Carl A. Spaatz Field, ILS Rwy 36, Amdt. 24

5. By amending § 97.31 RADAR SIAPs identified as follows:  
 \* \* \* Effective February 18, 1982  
 Miami, FL—Miami Intl, RADAR-1, Amdt. 20  
 Lexington, KY—Blue Grass, RADAR-1, Amdt. 6  
 Waco, TX—TSTI-WACO, RADAR-1, Amdt. 1

\* \* \* Effective February 18, 1982  
 Bakersfield, CA—Meadows Field, RNAV Rwy 30R, Original, cancelled  
 Waycross, GA—Waycross-Ware County, RNAV Rwy 18, Amdt. 1  
 Indianapolis, IN—Indianapolis Terry, RNAV Rwy 18, Amdt. 3  
 Oxford, MS—University-Oxford, RNAV Rwy 9, Amdt. 1  
 Oxford, MS—University-Oxford, RNAV Rwy 9, Amdt. 1  
 Harrisburg, PA—Capital City, RNAV Rwy 26, Amdt. 1, cancelled

\* \* \* Effective December 17, 1981  
 Reading, PA—Reading Municipal/General Carl A. Spaatz Field, RNAV Rwy 13, Amdt. 3  
 Reading, PA—Reading Municipal/General Carl A. Spaatz Field, RNAV Rwy 18, Amdt. 3

\* \* \* Effective December 16, 1981  
 St. Mary's PA—St. Mary's Muni, RNAV Rwy 10, Amdt. 3  
 St. Mary's PA—St. Mary's Muni, RNAV Rwy 28, Amdt. 3

Note.—The FAA published an amendment in Docket No. 22464, Amdt. No. 1205 to Part 97 of the Federal Aviation Regulations (Vol. 46 FR No. 239, page 60810; dated December 14, 1981) under Section 97.33 effective January 21, 1982, which is hereby amended as follows: Austin, TX, Lakeway Airpark, RNAV Rwy 16 orig. change effective date to March 18, 1982.

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 [49 U.S.C. 1348, 1354(a), 1421, and 1510]; Sec. 6(c), Department of Transportation Act [49 U.S.C. 1655(c)]; and 14 CFR 11.49(b)(3))

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

Issued in Washington, D.C., on December 31, 1981.

John M. Howard,  
 Acting Chief, Aircraft Programs Division.

Note.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on December 31, 1980.

[FR Doc. 82-641 Filed 1-8-82; 8:45 am]

BILLING CODE 4910-13-M

**DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENT**
**Office of the Assistant Secretary for  
Community Planning and  
Development**

24 CFR Parts 511, 540, 541, 551, 555,  
556 and 561

[Docket No. R-81-956]

**Neighborhood Development Program  
Project Selection System; Open Space  
Land; Open Space Land Program  
Project Selection System;  
Neighborhood Facilities Program  
Project Selection System; Grants for  
Basic Public Water and Sewer  
Facilities; Evaluation of Preliminary  
Applications for Basic Water and  
Sewer Facilities Grants; Public Facility  
Loans Program Project Selection  
System; Removal of Regulations**

**AGENCY:** Office of the Assistant  
Secretary for Community Planning and  
Development, HUD.

**ACTION:** Final rule.

**SUMMARY:** This rule deletes the following Parts in the Code of Federal Regulations: Part 511 (Neighborhood Development Program Project Selection System); Part 540 (Open Space Land); Part 541 (Open Space Land Program Project Selection System); Part 551 (Neighborhood Facilities Program Project Selection System); Part 555 (Grants for Basic Public Water and Sewer Facilities); Part 556 (Evaluation of Preliminary Applications for Basic Water and Sewer Facilities Grants); and Part 561 (Public Facility Loans Program Project Selection System). The regulations hereby being withdrawn are for certain categorical community development grant and loan assistance programs with respect to which the authority to fund new projects was terminated as of January 1, 1975, by Section 116(a) of the Housing and Community Development Act of 1974.

**EFFECTIVE DATE:** March 7, 1982.

**FOR FURTHER INFORMATION CONTACT:** Thomas Terrell (inquiries relating to Parts 511, 540, 541, 551 and 556), Program Completion Division, Office of Block Grant Assistance, Department of Housing and Urban Development, Room 7180, 451 7th Street, S.W., Washington, D.C. 20410, (202) 755-6330. (This is not a toll-free number.) Stanley Victor (inquiries relating to 24 CFR Part 561), Acting Chief of Programs Liquidation Branch, Office of Public Housing, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410, (202) 426-7218. (this is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:** The regulations hereby being withdrawn are for certain categorical community development grant and loan assistance programs with respect to which the authority to fund new projects was terminated as of January 1, 1975, by Section 116(a) of the Housing and Community Development Act of 1974. The parts of 24 CFR being withdrawn and their programs are as follows: Part 511, Neighborhood Development Program (under Title I of the Housing Act of 1949); Parts 540 and 541, Open Space Land Program (under Title VII of the Housing Act of 1961); Part 551, Neighborhood Facilities Program (under Section 703 of the Housing and Urban Development Act of 1965); Parts 555 and 556, Basic Water and Sewer Facilities Program (under Section 702 of the Housing and Urban Development Act of 1965); and Part 561, Public Facility Loans Program (under Title II of the Housing Amendments of 1955). To the extent that there are still ongoing projects remaining under these programs, they continue to be governed by the requirements of the enabling legislation under which they were funded since those statutes remain in effect, as well as the obligations under their respective grant and/or loan contracts with HUD.

The Department has determined that in light of the termination of funds, prior notice and public procedure for this rule would be unnecessary. Accordingly, this change is being adopted by final rule.

This rule does not constitute a "major rule" as that term is defined in Section 1(b) of the Executive Order on Federal Regulation issued by the President on February 19, 1981. Analysis of the rule indicates that it does not (1) Have an annual effect on the economy of \$100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

A Finding of No Significant Impact with respect to environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement Section 102(2)(c) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection and copying (at a charge of ten cents per page) during regular business hours in

the Office of the Rules Docket Clerk, Room 5218, 451 7th Street, S.W., Washington, D.C. 20410.

Pursuant to Section 605(b) of the Regulatory Flexibility Act, the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities.

The following were listed under the Office of Community Development and Planning in the Department's Semiannual Agenda of Regulations published on August 17, 1981 (46 FR 41726 and 41727) pursuant to Executive Order 12291 and the Regulatory Flexibility Act: C) 3. CPD-6-81 (Part 551), C) 4. CPD-7-81 (Part 540), C) 5. CPD-8-81 (Part 541), C) 6. CPD-9-81 (Part 551), C) 7. CPD-10-81 (Part 555), C) 8. CPD-11-81 (Part 556) and C) 9. CPD-12-81 (Part 561).

The Catalog of Federal Domestic Assistance program numbers are as follows: 14.306 (Part 511), 14.303 (Parts 540 and 541), 14.302 (Part 551), 14.301 (Parts 555 and 556) and 14.304 (Part 561).

**PARTS 511, 540, 541, 551, 555, 556  
AND 561 [REMOVED]**

Accordingly, 24 CFR is amended by removing Parts 511, 540, 541, 551, 555, 556 and 561.

(Sec. 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

Issued at Washington, D.C., December 22, 1981.

Stephen J. Bollinger,

*Assistant Secretary for Community Planning  
and Development.*

[FR Doc. 82-563 Filed 1-8-82; 8:45 am]

BILLING CODE 4210-01-M

**DEPARTMENT OF TRANSPORTATION**
**Coast Guard**
**33 CFR Part 110**

[CGD05-81-06R]

**Elizabeth River, Norfolk, Va.;  
Anchorage Regulations**
*Correction*

In FR Doc. 81-36103, published at page 61457, on Thursday, December 17, 1981, on page 61458, in the third column, in § 110.168(c)(2), in the fourth line from the bottom, "76°19'46" W." should be corrected to read "76°19'46.7" W."

BILLING CODE 1505-01-M

**33 CFR Part 117**

[CGD 14 81-01]

**Drawbridge Operation Regulations; Honolulu Harbor, Hawaii****AGENCY:** Coast Guard, DOT.**ACTION:** Final rule.

**SUMMARY:** At the request of the State of Hawaii, Department of Transportation, the U.S. Coast Guard is amending the regulations governing the operation of the John H. Slattery Drawbridge across Kalihi Channel at Honolulu, Hawaii. The change will reduce the number of hours the bridge is required to open on signal to two hours per day, Monday through Friday, excluding legal holidays. This will improve the flow of vehicular traffic over the bridge while still providing for the reasonable needs of navigation.

**EFFECTIVE DATE:** This amendment becomes effective on February 10, 1982.

**FOR FURTHER INFORMATION CONTACT:** LTJG Michael L. Van Houten, Bridge Administration Officer, Aids to Navigation Branch, Operations Division, Room 9139, Federal Building, 300 Ala Moana, Honolulu, Hawaii 96850, (808) 546-7130.

**SUPPLEMENTARY INFORMATION:** On August 31, 1981, the Coast Guard published a Notice of Proposed Rulemaking (46 FR 43698) concerning this amendment. The Commander, Fourteenth Coast Guard District, also published these proposals as a Public Notice (March 31, 1981) and in the Fourteenth District Local Notice to Mariners (September 1 and September 15, 1981). The comment period terminated on September 28, 1981.

**Drafting Information**

The principal persons involved in drafting this proposal are: LTJG Michael L. Van Houten, Bridge Administration Officer, and Timothy C. Titus, Project Attorney.

**Discussion of Comments**

The Coast Guard received fifty-four comments concerning this rulemaking; fifty-one were in favor of the change and three were opposed. Most of the comments in favor of the rulemaking were submitted by Government representatives and businesses that transport cargo across the drawbridge. The objections to the rulemaking were received from three different companies whose vessels transit Honolulu Harbor and pass through the draw during normal daily business hours. One company whose tugboats pass through the draw several times a week stated the change in the drawbridge operating

hours would result in the company conducting all their operations through the main channel, thereby contributing to vessel traffic congestion in the area. Another company operates two cruise vessels that pass through the draw approximately twice a month. Their vessel operators prefer to transit the harbor and pass through the draw during inclement weather. The third company whose tugboats and barges pass through the draw infrequently (less than ten per year) stated their operations are occasionally slowed when their vessels must wait to use the main channel. They like to have the option of transiting the secondary channel and passing through the draw.

Vessel traffic within the harbor is not congested. To prevent congestion, the Harbor Master limits vessel traffic in the harbor to one way when a vessel exceeding 500 gross tons is transiting the main channel. This occurs about twice a day. Any vessel waiting to transit the main channel in the opposite direction is normally delayed less than half an hour when a large vessel is passing through.

Weather and sea conditions are generally favorable in the vicinity of Honolulu Harbor. During inclement weather the cruise vessels are still able to enter the protected waters of the harbor when the draw is closed. The change in the regulations may pose a minor inconvenience to the cruise vessel operators but it will not affect the safe operation of their vessels.

When the draw is closed vessels still have access to all areas within the harbor. Vessels in the main channel are able to gain access to the secondary channel by passing around Sand Island. The route around Sand Island takes a vessel about twenty-five minutes longer than passing through the draw.

The information derived from the comments and studies described in the Notice of Proposed Rulemaking demonstrates that the rule will serve the best interests of the community while still providing for the reasonable needs of navigation.

**Regulatory Review**

The regulations were reviewed under the provisions of Executive Order 12291 and determined to be non-major. They are also considered to be nonsignificant under the guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations, (DOT Order 2100.5 of May 22, 1980). The Regulatory Flexibility Act certification has been previously described in the Notice of Proposed Rulemaking.

**PART 117—DRAWBRIDGE OPERATIONS REGULATIONS**

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising § 117.900(a) to read as follows:

**§ 117.900 Honolulu Harbor, Hawaii; Kalihi Channel Bridge.**

(a) The draw shall open for the passage of vessels during the scheduled hours of opening as follows: Monday through Friday, excluding legal holidays:

Open on signal	Closed periods
5:00 a.m. to 6:00 a.m. ....	6:00 a.m. to 6:00 p.m.
6:00 p.m. to 7:00 p.m. ....	7:00 p.m. to 5:00 a.m.

\* \* \* \* \*

(33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5); 33 CFR 1.05-1(g)(3))

Dated: November 10, 1981.

**B. E. Thompson,**  
Chief, Office of Operations.

[FR Doc. 82-857 Filed 1-8-82; 8:45 am]

**BILLING CODE 4910-14-M**

[CGD8-81-01]

**33 CFR Part 165****Safety Zone; Vicinity of Old River Control Structure, Mississippi River****AGENCY:** Coast Guard, DOT.**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is amending its Safety Zone Regulations, 33 CFR Part 165, by establishing a Safety Zone in the vicinity of the Old River Control Structure at mile 314.5 Above Head of Passes, Lower Mississippi River. This structure is exposed to Mississippi River navigation and is vulnerable to damage if struck by errant vessels. This structure controls the distribution of water between the Mississippi River, Red River and the Atchafalaya River. The zone will assist in protecting the structure, thus preventing interruption of flow control with serious downstream ramifications for flood control, navigation and municipal/industrial water supplies.

**EFFECTIVE DATE:** This amendment will become effective February 10, 1982.

**FOR FURTHER INFORMATION CONTACT:** LCDR G. J. E. Thornton, Port Safety Officer or LTJG M. R. Beskeen, Waterways Safety Officer, c/o U.S. Coast Guard Captain of the Port, 4640 Urquhart Street, New Orleans, Louisiana 70117, Telephone: (504) 589-7108.

**SUPPLEMENTARY INFORMATION:** On 11 May 1981, the Coast Guard published a notice of Proposed Rulemaking in the *Federal Register* for these regulations. Interested persons were requested to submit comments; two comments were received. The rules have been changed in light of comments received. All comments received before the expiration of the comment period have been considered before final action was taken on this proposal.

#### Drafting Information

The principal persons involved in the drafting of the rulemaking are LCDR G. J. E. Thornton, Port Safety Officer, and LTJG M. R. Beskeen, Waterways Safety Officer, Captain of the Port, U.S. Coast Guard, 4640 Urquhart Street, New Orleans, Louisiana 70117, Telephone: (504) 589-7108. The project attorney is LT J. C. Helfrich, c/o Commander, Eight Coast Guard District (d1), Hale Boggs Federal Building, 500 Camp Street, New Orleans, Louisiana 70130, Telephone: (504) 589-6188.

#### Discussion of Comment

During the comment period, two letters addressing the proposed rule were received. One had no objection to the establishment of the Safety Zone but expressed the opinion that it would not contribute significantly to the Control Structure's protection. This same commenter expressed broad concern regarding development of federal regulations, which in his opinion, generate no significant benefits. The Coast Guard agrees in principle that regulations not resulting in significant benefits should be avoided. The importance of the Old River Control Structure to the residents, industry and ecology of the State of Louisiana and the commerce of the United States cannot be overstated. The collective maritime activity in the Mississippi River below the Old River Control Structure effectively makes it the largest and most important port in the world. The industries and communities that occupy its shores rely almost exclusively on the River for fresh water supplies. A failure of the Control Structure would probably divert the Mississippi River down the Atchafalaya Basin. Recent studies have concluded that the present Mississippi River channel would thereafter become a tidal estuary. Conversely, the Atchafalaya River Basin's vast wetlands and numerous population centers would become flooded. Salt water incursion into all of the fresh water intakes on the Mississippi River below Baton Rouge could have devastating economic and

social impacts reaching far beyond the State of Louisiana.

The Corps of Engineers has a new electronic monitoring system under development for the Old River Control Structure area and will soon replace its aging patrol vessel with one of greater horsepower. These will be substantial improvements in real time protection of the Control Structure from errant vessels. They will not, however, provide failsafe awareness of a well defined area of concern encompassing the forebay to the Control Structure. The only current means of education on the hazards of this area is through periodic publication of Corps of Engineers Navigation Bulletins. The Safety Zone will provide well defined perimeters which the Corps of Engineers' vessel and radar/communications system can then enforce. The purpose and definition of the zone will be permanently published in federal regulations and can be regularly referred to in an intensive awareness campaign through newsletters, notice to mariners and navigation bulletins. It can also be permanently marked on charts of the area which now indicate no such boundaries.

The implications of the loss of the Old River Control Structure and its vulnerability to errant vessels justify every possible additional margin of safety which can be provided to it. The Coast Guard believes a safety zone will provide a significant additional margin of safety.

The second comment letter was received after the comment period expired. This commenter requested that the word "normally" be deleted from paragraph (b) of the rule because authority to enter the safety zone should without exception belong to the onscene picket boat. The Coast Guard foresees no circumstances under which the delegation of authority to the Corps of Engineers for safety zone entry would be withdrawn. Thus, the word "normally" will be deleted from paragraph (b) of the proposed rule.

#### Summary of Final Evaluation

These regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis and Review of Regulations (DOT Order 2100.5 of 5-22-80). An economic evaluation of the proposal has not been conducted since its impact is expected to be minimal. An evaluation under the Regulatory Flexibility Act of 1980 has been conducted. It has been determined that this action will not have a significant economic effect on a substantial number of small entities.

#### Final Regulations

#### PART 165—SAFETY ZONES.

In consideration of the foregoing, the Coast Guard amends Part 165 of Title 33 Code of Federal Regulations by adding § 165.800 to read as follows:

#### § 165.800 Lower Mississippi River vicinity of Old River Control Structure.

(a) The area enclosed by the following boundary is a Safety Zone—a line beginning at Black Hawk Light at Mile 316.1 AHOP LMR; thence to the Northwest end of the Overbank Structure; thence South along the Old River Control Structure to the Southeast end of the Low Sill Structure; thence Northeast to the Old River Control Structure Light at Mile 314.5 AHOP LMR; thence along a line to Black Hawk Point Light.

(b) Any vessel desiring to enter this Safety Zone must first obtain permission from the Captain of the Port, New Orleans, Louisiana. The operator of the Corps of Engineer's picket boat on scene is delegated the authority to permit entry into this Safety Zone.

(33 U.S.C. 1225; 1231; 49 CFR 1.46(n)(4))

Dated: October 6, 1981.

R. J. Clements,

*Captain, U.S. Coast Guard, Captain of the Port, New Orleans, Louisiana.*

[FR Doc. 82-658 Filed 1-8-82; 8:45 am]

BILLING CODE 4910-14-M

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[A-7-FRL 2011-4]

#### Approval and Promulgation of Implementation Plans; Iowa

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rulemaking.

**SUMMARY:** This document approves new rules relating to excess air pollution emissions during equipment malfunctions as part of the Iowa State Implementation Plan. The state plan, required by Section 110(a)(2) of the Clean Air Act, describes what will be done to meet the air quality standards in Iowa. Approval of these state regulations means they are legally enforceable by the Federal government as well as by the state.

**EFFECTIVE DATE:** February 10, 1982.

**ADDRESSES:** The state submission is available at the Environmental Protection Agency, 324 East 11th Street,

Kansas City, Missouri 64106; the Iowa Department of Environmental Quality, Henry A. Wallace Building, 900 East Grand, Des Moines, Iowa 50319; the Environmental Protection Agency, Public Information Reference Unit, Room 2922, 401 M Street SW, Washington, D.C. 20406; and at the Office of the Federal Register, 1100 L Street, NW, Room 8401, Washington, D.C. 20408.

**FOR FURTHER INFORMATION CONTACT:** Daniel J. Wheeler at 816-374-3791.

**SUPPLEMENTARY INFORMATION:** Chapter 5 of the Iowa Air Quality rules contains requirements that apply to sources of air pollution when air pollution control equipment breaks down. This kind of incident can cause "excess emissions", which are pollutant emissions greater than those allowed by state rules, and are generally regulated by what are called "malfunction" rules. Also covered by Chapter 5 are other causes of excess emission such as startup and shutdown of the source, breakdown or malfunction of process equipment and cleaning of equipment.

On December 24, 1980, the State submitted a complete revision of Chapter 5. These new rules are designed to limit excess emissions and to place the burden of proof on the source owner for demonstrating that the excess emissions were due to a malfunction and not to poor maintenance or other preventable cause. This submission also contains several new definitions (Chapter 1 of the Iowa Code) that relate to Chapter 5. The major one is "malfunction" which is defined as any sudden and unavoidable failure of control or process equipment to operate in a normal manner. The state does not consider preventable upsets to be malfunctions.

The new Chapter 5 generally requires sources with excess emissions to report those incidents and to end them by either repairing the malfunctioning equipment or by shutting down the source(s) of the emissions. Reporting an incident does not excuse the violation but the source is allowed to submit information on the incident for the state's use in determining whether the violation should be prosecuted or excused as a matter of "enforcement discretion." Startup and shutdown are not violations if accomplished expeditiously and in a manner consistent with minimizing emissions, nor is cleaning of control equipment if it is limited to six minutes in any sixty. The state believes that those brief violations are unavoidable and should not be subject to enforcement action. If these actions are not accomplished

expeditiously and in a manner consistent with good practice for minimizing emissions, then action can be taken against the violating source.

On September 18, 1981 (46 FR 46351), EPA proposed to approve the revised Chapter 5 rules as part of the State Implementation Plan. No comments were received in response to the notice of proposed rulemaking (PRM). For a further discussion of the revisions to Chapter 5 the reader is referred to the PRM.

This revision to Chapter 5 constitutes a proposed revision to the Iowa SIP. The Administrator's decision to approve or disapprove the proposed revision is based on the comments received and on a determination of whether or not the revision meets the requirements of section 110 of the Clean Air Act and of 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of State Implementation Plans.

Since no comments were received, the decision is based solely on the determination that the revision meets the stated requirements. The revisions to Chapter 5 are hereby approved and made part of the Iowa SIP.

Pursuant to the provision of 5 U.S.C. 605(b) I hereby certify that the rule described herein will not have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a rule is "major" and, therefore, subject to the requirement of a Regulatory Impact Analysis. This rule is not "major" because it imposes no new regulatory requirements. Hence it is unlikely to have an annual effect on the economy of \$100 million or more, or to have other significant adverse impacts on the national economy.

Under section 307(b)(1) of the Clean Air Act, as amended, judicial review of this action is available only by filing 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), the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by the EPA to enforce these requirements.

This notice of proposed rulemaking is issued under the authority of sections 110 and 301 of the Clean Air Act, as amended (41 U.S.C. 7410 and 7601).

Dated: December 31, 1981.

Anne M. Gorsuch,  
Administrator.

**Note.**—Incorporation by reference of the State Implementation Plan for the State of

Iowa was approved by the Director of the Federal Register on July 1, 1981.

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Section 52.820 is amended by adding paragraph (c)(34) as follows:

### § 52.820 Identification of Plan.

\* \* \* \* \*

(c) \* \* \*

(34) A revised Chapter 5, dealing with excess emissions and malfunctions was submitted on December 23, 1980, by the Department of Environmental Quality.

[FR Doc. 82-655 Filed 1-8-82; 8:45 am]

BILLING CODE 6560-38-M

## 40 CFR Part 81

[A-2-FRL 1996-7]

### Designation of Areas for Air Quality Planning Purposes; Revision to Section 107 Attainment Status Designation for New York State

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** This notice announces a revision of the attainment status designation of the northwest portion of Staten Island, New York from "does not meet primary standards" to "cannot be classified or better than national standards" for carbon monoxide. Such designations are required by section 107(d) of the Clean Air Act and may be revised from time to time at the request of a state.

**EFFECTIVE DATE:** This action becomes effective January 11, 1982.

**ADDRESSES:** Copies of the proposal submitted by New York State and public comments received are available for public inspection during normal business hours at the following addresses:

Environmental Protection Agency, Air Programs Branch, Room 1005, 26 Federal Plaza, New York, New York 10278

Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460

Copies of the State's submission are also available for inspection during normal business hours at the following location: The Office of Federal Register,

1100 L Street, N.W., Room 840,  
Washington, D.C. 20408.

**FOR FURTHER INFORMATION CONTACT:**  
William S. Baker, Chief, Air Programs  
Branch, Environmental Protection  
Agency, Region II Office, 26 Federal  
Plaza, New York, New York 10278 (212)  
264-2517.

**SUPPLEMENTARY INFORMATION:** Section 107(d) of the Clean Air Act directed each state to submit to the Administrator of the Environmental Protection Agency (EPA) a list of national ambient air quality standard attainment status designations for all areas within the state. EPA received such designations from the states and promulgated them on March 3, 1978 (43 FR 8962). As authorized by the Clean Air Act, these designations have been revised from time to time at a state's request.

On August 7, 1981, the New York State Department of Environmental Conservation (NYSDEC) requested that the northwest portion of Staten Island, defined by the Tri-State Regional Planning Commission (the Metropolitan Planning Organization for the New York City metropolitan area) as Traffic Analysis Zone 16, be redesignated from "does not meet primary standards" to "better than national standards" for carbon monoxide. The State based its carbon monoxide redesignation request on the results of a carbon monoxide "hot-spot" air quality modeling analysis.

In the September 8, 1981 issue of the *Federal Register* (46 FR 44787), EPA advised the public that, based on its review of the technical material submitted by the State, it was proposing to approve the State's request for redesignation to attainment. The reader is referred to that notice for a detailed description of the State's submittal.

One comment was received on EPA's September 8, 1981 notice of proposed rulemaking in a September 30, 1981 letter from the State of Connecticut Department of Environmental Protection (CTDEP). The CTDEP questioned EPA's authority to redesignate the area to "better than national standards" in light of the fact that modeling predicted a violation of the eight-hour national ambient air quality standard for carbon monoxide in an area within approximately 10 meters of the highway right-of-way immediately adjacent to the toll booth area at the Goethals Bridge. CTDEP argued that EPA does not have the authority to grant attainment status to an area on the basis of an air quality model that predicts a future date for attainment, namely 1982.

After considering Connecticut's comments, EPA has determined that it is

unable to approve the entire redesignation as requested by New York State. Today's final action differs from the State's request, and EPA's September 8, 1981 proposal, in that it excludes from redesignation to "better than national standards" the small area mentioned earlier where carbon monoxide air quality standard violations are predicted to have the temporary potential to occur. Rather, this area is being redesignated by EPA to "cannot be classified."

It should be noted that there have been no monitored violations of the national ambient air quality standards for carbon monoxide in the area at issue. This area was identified through a modeling analysis of carbon monoxide concentrations done for the entire northwest portion of Staten Island. This analysis showed that, under worst-case traffic and meteorological conditions, a potential for violation of the eight-hour carbon monoxide standard exists there until the end of 1982.

While EPA has decided that it cannot legally redesignate the toll booth area in question to "better than national standards," there is also little justification for leaving the area designated as "does not meet primary standards." Because the area consists, almost entirely of limited access highway right-of-way and is predicted to attain standards within a year, it would not be reasonable to expect the State to revise its state implementation plan to include a specific measure to alleviate the potential for violation. Given the lack of a monitored violation, EPA redesignation of the area to "cannot be classified" is supported by these facts.

A final comment from CTDEP concerned whether the modeling analysis had taken into account waivers and possible delays in the scheduled tailpipe emissions reduction from the Federal Motor Vehicle Emission Control Program and the implementation of New York's automobile emissions inspection and maintenance program. The analysis did take into account all existing waivers of the carbon monoxide tailpipe emission standards, but obviously could not consider any delays which are not currently a matter of law or regulation. With the exception of the small area where violations have been predicted, the analysis did not take credit for the planned implementation of the New York's automobile emissions inspection and maintenance program.

In summary, EPA is today approving the State's request for redesignation of the northwest portion of Staten Island to "better than national standards" for carbon monoxide with the exception of

an area within approximately 10 meters of the highway right-of-way immediately adjacent to the toll booth area of the Goethals Bridge. This latter area is being redesignated to "cannot be classified." This action is being made effective immediately because a redesignation imposes no new or additional regulatory requirements and delay would serve no useful purpose.

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 a review in the United States Court of Appeals for the appropriate circuit within sixty days of today. Under section 307(b)(2) of 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 by EPA to enforce these requirements.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator has certified that attainment status redesignations under Section 107(d) 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 an attainment status redesignation under section 107(d) within the terms of the January 27 certification. This action imposes no regulatory requirements but only changes an area's air quality designation. Any regulatory requirements which may become necessary as a result of this action will be dealt with in a separate action.

**Note.**—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. Its purpose is to change the attainment status designations for certain areas from nonattainment to attainment or cannot be classified.

This action was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

(Secs. 107 and 301 of the Clean Air Act, as amended (42 U.S.C. 7407 and 7601))

Dated: December 31, 1981.

Anne M. Gorsuch,

Administrator, Environmental Protection Agency.

#### **PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES**

Title 40, Chapter I, Subchapter C, Part 81, Code of Federal Regulations is amended as follows:

### Subpart C—Section 107 Attainment Status Designations

Section 81.333 is amended by amending the attainment status designation table for carbon monoxide by revising the Borough of Staten Island in the New Jersey-New York-Connecticut Interstate AQCR as follows:

#### § 81.333 New York

\* \* \* \* \*

#### NEW YORK—CO

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
New Jersey-New York-Connecticut Interstate AQCR:	*	*
The Borough of Staten Island (northeast section and southern half as defined by the Tri-State Regional Planning Commission as Traffic Analysis Zones 17 and 18).	X	

[FR Doc. 82-480 Filed 1-9-82; 9:45 am]

BILLING CODE 6560-38-M

### DEPARTMENT OF TRANSPORTATION

#### Office of the Secretary

#### 49 CFR Part 1

[OST Docket No. 1; Amend. No. 1-167]

#### Organization and Delegation of Powers and Duties; Delegation to the Commandant of the Coast Guard

**AGENCY:** Office of the Secretary, DOT.

**ACTION:** Final rule.

**SUMMARY:** The purpose of this amendment is to delegate to the Commandant of the Coast Guard authority and functions that are vested in the Secretary of Transportation by the Vessel Documentation Act of 1980.

**EFFECTIVE DATE:** January 11, 1982.

**FOR FURTHER INFORMATION CONTACT:** Robert I. Ross, Department of Transportation, Office of General Counsel; (202) 426-4723, Washington, D.C. 20590.

**SUPPLEMENTARY INFORMATION:** Since this amendment relates to departmental management, procedures, and practices, it is excepted from notice and public procedure requirements and it may be made effective in fewer than thirty (30) days after publication in the Federal Register.

#### Drafting Information

The principal persons involved in drafting this amendment are Mrs. Phyllis D. Carnilla (Project Manager) and Lieutenant Michael P. Drzal (Staff Attorney) Office of Merchant Marine Safety; and Lieutenant Commander William B. Short (Project Attorney) Office of Chief Counsel, U.S. Coast Guard.

#### Discussion of Delegation

The Vessel Documentation Act of 1980, Public Law 96-594, was enacted by Congress on December 24, 1980. The Act, which becomes effective on July 1, 1982, is intended to "revise and improve the laws relating to the documentation of vessels." The Act seeks to accomplish its purpose by repealing many of the previous laws dealing with documentation and by amending related laws to accommodate new terminology and procedures wherever appropriate. In conjunction with the elimination of the previous laws, the Act commits the formulation of new documentation procedures, in large part, to the regulatory discretion of the Secretary of Transportation. This amendment delegates the functions relating to vessel documentation to the Commandant of the Coast Guard. The authority granted herein shall be exercised in accordance with the requirements and limitations of the above-cited Act and other applicable statutes and regulations.

#### PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Accordingly, § 1.46 of Part 1 of Title 49 of the Code of Federal Regulations, is amended as follows:

Paragraph (d) is revised to read as follows:

#### § 1.46 Delegations to the United States Coast Guard Commandant.

\* \* \* \* \*

(d) Carry out the functions vested in the Secretary by the Vessel Documentation Act of 1980 (Pub. L. 96-594) and carry out Reorganization Plan No. 1 of 1967, relating to ship mortgages.

\* \* \* \* \*

(Sec. 9(e), Department of Transportation Act, 49 U.S.C. 1657(e))

Issued in Washington, D.C. on December 16, 1981.

December 16, 1981.

Andrew L. Lewis, Jr.,  
Secretary of Transportation.

[FR Doc. 82-591 Filed 1-9-82; 9:45 am]

BILLING CODE 4910-62-M

### DEPARTMENT OF THE INTERIOR

#### Fish and Wildlife Service

#### 50 CFR Part 32

#### Hunting; National Wildlife Refuges in Alabama, Arkansas, Georgia, Louisiana, and Mississippi

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Special regulations.

**SUMMARY:** It has been determined that the opening to hunting of certain National Wildlife Refuges in Alabama, Arkansas, Georgia, Louisiana, and Mississippi is compatible with the objectives for which the areas were established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public. This document establishes special regulations effective for the upcoming hunting seasons for certain migratory bird species.

**EFFECTIVE DATES:** January 11, 1982, to termination of State waterfowl seasons.

**FOR FURTHER INFORMATION CONTACT:** The Area Manager or appropriate refuge manager at the address or telephone number listed below:

Gary Hickman, Area Manager, U.S. Fish and Wildlife Service, 200 E.

Pascagoula St., Suite 300, Jackson, Mississippi 39201, Telephone (601) 960-4900.

Donald Temple, Refuge Manager, Eufuala National Wildlife Refuge, Route 2, Box 97-B, Eufuala, Alabama 36027, Telephone (205) 687-4605.

Raymond R. McMaster, Refuge Manager, White River National Wildlife Refuge, Box 308, DeWitt, Arkansas 72042, Telephone (501) 946-1468.

Robert Bridges, Refuge Manager, Felsenthal National Wildlife Refuge, P.O. Box 279, Crossett, Arkansas 71635, Telephone (501) 364-8700.

Cecil E. McMullan, Refuge Manager, Holla Bend National Wildlife Refuge, Box 1043, Russellville, Arkansas 72801, Telephone (501) 968-2800.

Bobby W. Brown, Refuge Manager, Lacassine National Wildlife Refuge, Route 1, Box 186, Lake Arthur, Louisiana 70549, Telephone (318) 774-2750.

John R. Walther, Refuge Manager, Sabine National Wildlife Refuge, MRH Box 107, Hackberry, Louisiana 70645, Telephone (318) 762-5135.

Bernard H. Powell, Refuge Manager, Yazoo National Wildlife Refuge, Route 1, Box 286, Hollandale,

Mississippi 38748, Telephone (601) 839-2638.

Daniel Doshier, Refuge Manager, D'Arbonne and Upper Ouachita National Wildlife Refuges, P.O. Box 3065, Monroe, Louisiana 71201, Telephone (318) 325-1735.

James H. Roberts, Refuge Manager, Noxubee National Wildlife Refuge, Route 1, Box 142, Brooksville, Mississippi 39739, Telephone (601) 323-5548.

George Chandler, Refuge Manager, Hillside, Morgan Brake, and Panther Swamp National Wildlife Refuges, P.O. Box 107, Yazoo City, Mississippi 39194, Telephone (601) 746-8511.

**SUPPLEMENTARY INFORMATION:** The author of this document is Alton Dunaway, Jackson Area Office, 200 E. Pascagoula St., Suite 300, Jackson, Mississippi 39201, (601) 960-4905.

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the areas were established. In addition, the Refuge Recreation Act requires: (a) That any recreational use permitted will not interfere with the primary purpose for which an area was established; and (b) that funds are available for the development, operation, and maintenance of the permitted forms of recreation. The recreational use authorized by these regulations will not interfere with the primary purposes for which these refuges were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

Because of the time limitation involved to coordinate the State and Federal hunting regulations, and because of the rapid approach of the hunting season the U.S. Department of the Interior has concluded that "good cause" exists within the meaning of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act to expedite the implementation of these special regulations. Therefore, the effective date is January 11, 1982.

The Fish and Wildlife Service has determined that this rulemaking is not a "major rule" within the meaning of Executive Order 12291 (46 FR 13193), and that the rulemaking would not have "significant economic effect on a

substantial number of small entities" within the meaning of the Regulatory Flexibility Act (Pub. L. 96-354).

**§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.**

*General Conditions:* Hunting is permitted on National Wildlife Refuges indicated below in accordance with 50 CFR Part 32, all applicable State regulations, the general conditions, and the following special regulations:

1. A list of special conditions applying to individual refuge hunts and a map of the hunt area(s) are available at each refuge headquarters. Portions of refuges which are closed to hunting are designated by signs and/or delineated on maps.

2. Only steel shot ammunition may be used during the refuge migratory waterfowl hunts. Possession of lead or other toxic shot in any gauge is prohibited during these hunts.

**Alabama**

*Eufaula National Wildlife Refuge*

*Migratory Waterfowl Hunting*

(1) Hunting will be permitted on areas comprising approximately 450 acres (Alabama unit) which have been designated as being open to public waterfowl hunting.

(2) Hunts will be held from 30 minutes prior to sunrise until 11:30 a.m., Central Standard Time, on the Alabama unit on alternating Saturday and Wednesday mornings of the State waterfowl season.

(3) Hunters must hunt only from designated blind areas located by refuge personnel. Shooting is not permitted outside designated blind zone.

(4) Hunters are required to check in and out of the hunt area.

(5) Permits are required under the provisions of 50 CFR 26:32. Additional regulations may apply. Contact the refuge manager for additional information.

*Mourning Dove Hunting*

(1) Dove hunting will be permitted on areas comprising approximately 800 acres which have been designated as being open to public dove hunting from 12 noon until sunset (Central Standard Time) on dates to be announced by the refuge manager.

(2) Hunters must check in and out of the refuge at the designated checking stations and are not permitted within hunting areas before 11:45 a.m. on hunt days.

(3) Each hunter who successfully takes a limit of mourning doves must leave the hunting area immediately.

**Arkansas**

*Felsenthal National Wildlife Refuge*

(1) Ducks and coots only may be hunted one-half hour before sunrise until noon during regular State seasons, except the last three days of the season when State shooting hours apply. The refuge is closed during the special State teal season. Hunting is permitted refuge-wide, except for the waterfowl sanctuary area.

(2) The waterfowl sanctuary is closed to all public entry during the waterfowl season, except the main channel of the Ouachita River and the barrow pits along U.S. Highway 82 will be open for navigation and fishing. The sanctuary area includes all refuge lands and waters as delineated on hunt area maps available at refuge headquarters.

(3) Only portable blinds are permitted and must be removed each day either to a designated area or from the refuge.

(4) Woodcock may be hunted during State season and hours refuge-wide, except for the waterfowl sanctuary area during the waterfowl season.

(5) All firearms being transported in vehicles or boats must be empty and encased or dismantled. Firearms in camps must be empty.

(6) Camping is allowed only adjacent to readily identifiable roads and river channels within areas open to hunting.

*White River National Wildlife Refuge*

(1) Ducks and coots only may be hunted on Tuesdays, Thursdays, and Saturdays during the regular State seasons on approximately 11,100 acres. Hunters may begin hunting one-half hour before sunrise and must depart the hunting area before 12 noon.

(2) The construction and use of blinds is prohibited.

(3) Camping in refuge campgrounds for the purpose of waterfowl hunting is not permitted.

(4) Decoys may not be left overnight.

(5) The maximum outboard motor size allowed is 10 horsepower.

(6) Open fires are prohibited in the hunting area.

(7) Firearms must be unloaded and encased when traveling to and from the hunting area.

(8) Waterfowl may be drawn but not plucked or dressed on the refuge.

**Georgia**

*Eufaula National Wildlife Refuge*

*Migratory Waterfowl Hunting*

(1) Hunting will be permitted on areas comprising approximately 770 acres (Georgia unit) which have been

designated as being open to public waterfowl hunting.

(2) Hunts will be held from 30 minutes prior to sunrise until 11:30 a.m., Eastern Standard Time, on the Georgia unit on alternating Saturday and Wednesday mornings of the State waterfowl season.

(3) Hunters must hunt only from designated blind areas located by refuge personnel. Shooting is not permitted outside designated blind zone.

(4) Hunters are required to check in and out of the hunt area.

(5) Permits are required under the provisions of 50 CFR 26.32.

Additional regulations may apply. Contact the refuge manager for additional information.

#### Louisiana

##### *D'Arbonne National Wildlife Refuge*

(1) Ducks and coots only may be hunted from one-half hour before sunrise until 12 noon during regular State seasons.

(2) Boats, blinds, and decoys may not be left on the refuge overnight.

##### *Lacassine National Wildlife Refuge*

(1) Public hunting for ducks, geese, and coots will be permitted on designated areas comprising approximately 6,400 acres. Waterfowl hunting will be allowed from one-half hour before sunrise until 11:00 a.m., Wednesday through Sunday, during the Louisiana Western Zone season. Daily shooting hours during the special teal season are from sunrise to 11:00 a.m. Hunters may enter the hunting area no earlier than two hours before legal shooting time and must depart the refuge by 12:00 noon.

(2) Only steel shot ammunition may be used, except that hunters participating in the steel shot study may be given lead loaded ammunition to shoot as part of the study.

(3) A permit will be needed to hunt the area between the Pipeline Canal and the Intracoastal Canal and all of the hunting area east of the Lacassine Bayou. These areas are reserved for the special shooting study. The hunting area south of the Pipeline Canal and west of Misere Bayou is open to hunting without a permit.

(4) Hunters must hunt from prepared blinds. They may not utilize material to build blinds other than native vegetation; no boards, wire, lumber, netting, burlap, poles, brush, trees, or cane (bamboo) larger than 1 inch in diameter at the large end. Portable blinds made of any material may be used; however, they must be removed from the refuge by 12 noon each day. Hunters may place blinds only in the

area open to first-come, first-serve hunting.

(5) Hunting parties may not hunt closer than 150 yards to each other. The first hunter(s) at a pond or blind site outside the reserved area holds that site until the hunt is completed.

(6) No hunting closer than 50-yards to any ditch, canal, or waterway.

(7) No decoys may be left in the hunting area overnight.

(8) No boats may be left on the refuge earlier than one week prior to the opening of the hunting season. No air-thrust boats may be used on the refuge. Mud boats are permitted.

##### *Sabine National Wildlife Refuge*

(1) Public hunting for ducks, geese, and coots will be permitted on designated areas comprising approximately 24,000 acres. Waterfowl hunting will be allowed on Wednesday, Saturday, and Sunday mornings throughout the regular State season (Western Zone) from one-half hour before sunrise until 11:00 a.m. Hunters may enter the hunting area no earlier than two hours before legal shooting time and must depart the refuge by 12 noon. Teal hunt—all days of State season (Western Zone), mornings only. The refuge is closed to hunting on Christmas Day.

(2) Upon request hunters are required to exhibit a valid State hunting license, duck stamp, and all shells in possession to a designated refuge official prior to hunting and permit authorized Service personnel to inspect his person, equipment, and/or vehicle.

(3) Hunting parties may not hunt closer than 100 yards apart and must station themselves a minimum of 50 yards inland from refuge canals. The first hunter(s) at a pond or blind site are the holders of that site until they complete their hunt.

(4) Temporary blinds made of native vegetation may be constructed or portable blinds may be carried in for each hunt.

(5) Firearms must be encased or dismantled when carried in transit through refuge canals.

(6) Furbearing animals or trapping equipment in the hunting area shall not be molested or disturbed by hunters.

(7) Hunters are required to check in at the hunt check station before entering the hunt area and must check out; this includes hunters who did not bag game. All waterfowl bagged must be checked through the check station after each hunt.

##### *Upper Ouachita National Wildlife Refuge*

(1) Ducks and coots only may be hunted from one-half hour before sunrise until 12 noon during regular State seasons. Teal may be hunted during the early state teal season between sunrise and noon.

(2) Boats, blinds, and decoys may be left on refuge overnight by permit only at designated area on the dam on Steep Bank Creek and at trail entrance to Bee Brake.

#### Mississippi

##### *Hillside National Wildlife Refuge Migratory Waterfowl Hunting*

(1) Ducks and coots only may be hunted on Monday, Wednesday, and Saturday mornings on Area II of the refuge from one-half hour before sunrise until 12 noon during the regular State seasons. Daily permits are required.

(2) Woodcock and snipe may be hunted during the State season on the same refuge area as open to duck hunting. Refuge closed to Sunday hunting.

(3) Duck hunters are required to check in and out daily at the designated check station.

##### *Mourning Dove Hunting*

(1) Hunting will be permitted from 12 noon until sunset on the first three Saturdays of the State season and two days in November (to be announced) only in fields marked open for dove hunting.

(2) Permits are required.

(3) Dove hunters are required to check out after each day's hunt.

(4) The use of retrievers is encouraged.

##### *Morgan Brake National Wildlife Refuge*

(1) Ducks and coots only may be hunted on Monday, Wednesday, and Saturday mornings from one-half hour before sunrise to 12 noon during the State duck season on all of the refuge north of and including Morgan Brake Bayou.

##### *Noxubee National Wildlife Refuge*

(1) Public hunting of ducks and coots will be permitted only on the areas designated as green-tree reservoirs numbers 1 and 2.

(2) Hunting will be permitted only on Mondays, Wednesdays, and Saturdays from one-half hour before sunrise until 12 noon during the State waterfowl season.

(3) The use of boats with electric motors is permitted within the hunting area.

(4) The construction of blinds is not permitted.

(5) Hunters will not be permitted to enter the hunting area sooner than 45 minutes before legal shooting hours.

(6) No hunter may take more than 16 shotgun shells into the hunting area.

(7) No shooting will be permitted from the levee or the open water area immediately adjacent to the levee.

(8) All hunters are required to check in and out at the designated check station.

(9) Permit is required.

#### *Panther Swamp National Wildlife Refuge*

(1) Ducks and coots only may be hunted on Monday, Wednesday, and Saturday mornings from one-half hour before sunrise to 12 noon during the State duck season in the designated areas.

(2) Duck hunters are required to check out at the designated check station after each day's hunt.

(3) Woodcock and snipe may be hunted during the State season on the same refuge area as open to duck hunting. Refuge closed to Sunday hunting.

#### *Yazoo National Wildlife Refuge*

(1) Mourning dove hunting will be permitted on approximately 600 acres (Swan Island) which has been designated as open to public hunting from 12 noon until sunset. Dates to be announced.

(16 U.S.C. 460k, 16 U.S.C. 668dd)

Dated: December 10, 1981.

G. Ray Arnett,

*Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 82-644 Filed 1-9-82; 8:45 am]

BILLING CODE 4310-55-M

## 50 CFR Part 32

### Hunting; National Wildlife Refuges in Arizona, California, and New Mexico

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Special regulations.

**SUMMARY:** The Director has determined that the opening to hunting of migratory game birds on certain National Wildlife Refuges is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public. These special regulations describe the conditions under which hunting will be permitted on portions of certain National Wildlife Refuges in Arizona, California, and New Mexico.

**DATES:** Effective on January 11, 1982 through January 31, 1982.

#### **FOR FURTHER INFORMATION CONTACT:**

The Area Manager or appropriate Refuge Manager at the address or telephone number listed below:

Albert W. Jackson, Area Manager, U.S. Fish and Wildlife Service, 2953 West Indian School Road, Phoenix, Arizona 85017, Telephone (602) 241-2487

Tyrus W. Berry, Refuge Manager, Havasu National Wildlife Refuge, P.O. Box A, Needles, California 92363, Telephone (714) 326-3853

LeMoyné B. Marlett, Refuge Manager, Bitter Lake National Wildlife Refuge, P.O. Box 7, Roswell, New Mexico 88201, Telephone (505) 622-6755

Wesley V. Martin, Refuge Manager, Cibola National Wildlife Refuge, P.O. Box AP, Blythe, California 92225, Telephone (714) 922-2129

William Behrends, Acting Refuge Manager, Imperial National Wildlife Refuge, P.O. Box 2217, Martinez Lake, Arizona 85364, Telephone (602) 783-3400

Stephen S. Berlinger, Refuge Manager, Las Vegas National Wildlife Refuge, Route 1, Box 399, Las Vegas, New Mexico 87701, Telephone (505) 425-3581

Ronald L. Perry, Refuge Manager, Bosque del Apache National Wildlife Refuge, Sevilleta National Wildlife Refuge, P.O. Box 1246, Socorro, New Mexico 87801, Telephone (505) 835-1828

#### **SUPPLEMENTARY INFORMATION:**

##### **General**

Hunting of migratory game birds on portions of the following refuges shall be in accordance with applicable State and Federal regulations, subject to additional special regulations and conditions as indicated. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps available at the above addresses. Vehicular travel is restricted to designated roads and trails.

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires that before any area of the refuge system is used for forms of recreation not directly related to the primary purposes and functions of the area, the Secretary must find that: (1) Such recreational use will not interfere with the primary purposes for which the

area was established; and (2) funds are available for the development, operation, and maintenance of permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which these refuges were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

The Fish and Wildlife Service has determined that this document is not a "major rule" within the meaning of Executive Order 12291 (46 FR 13193) and that the rulemaking would not have a "significant economic effect on a substantial number of small entities" within the meaning of the Regulatory Flexibility Act (Pub. L. 96-354).

Because of the time limitation involved to coordinate the State and Federal hunting regulations and because of the rapid approach of the hunting seasons, the U.S. Department of the Interior has concluded that "good cause" exists within the meaning of 5 U.S.C. 553(d)(3), of the Administrative Procedure Act to expedite the implementation of these special regulations, therefore, the effective date is January 11, 1982.

Listed migratory game bird species may be hunted on the following refuges in accordance with applicable State regulations.

#### **§ 32.12 Special regulations: migratory game birds; for individual wildlife refuge areas.**

##### **Arizona**

#### *Cibola National Wildlife Refuge*

Mourning doves and white-winged doves in accordance with State regulations. Shooting hours will be from ½ hour before sunrise until sunset.

#### *Havasu National Wildlife Refuge*

Topock Marsh and Topock Gorge and Bill Williams Unit: Mourning doves and white-winged doves in accordance with Arizona State regulations and special refuge regulations.

#### *Imperial National Wildlife Refuge*

Mourning doves only in accordance with Arizona State regulations and special refuge regulations from November 27, 1981, through January 8, 1982, inclusive.

**California***Cibola National Wildlife Refuge*

Mourning doves and white-winged doves in accordance with the California State regulations and special refuge regulations.

## Special conditions:

(1) Up to two (2) dogs per hunter may be used for hunting and retrieving.

(2) Hunting is prohibited within one-fourth mile of any occupied dwelling or 250 yards of any road or levee.

(3) Only street legal vehicles are allowed on designated access roads.

(4) In Arizona, both Zone I and Zone III are closed to hunting.

(5) Construction of pits or permanent blinds is prohibited.

(6) Camping overnight on the refuge is prohibited.

(7) Only legal firearms for the hunting of doves are permitted. Possession of all handguns and all other firearms is prohibited.

(8) Hunting in the floodplain (between the levee and river) is prohibited.

*Havasu National Wildlife Refuge*

Mourning doves and white-winged doves in accordance with California State regulations and special refuge regulations.

## Special conditions:

(1) Hunting is prohibited within one-fourth mile of any occupied dwelling or concession operation.

(2) Hunting at Pintail Slough will be permitted only on Fridays, Saturdays, and Sundays. Pintail Slough is comprised of all refuge lands north of the north dike.

(3) Hunting at the Bill Williams Unit is only permitted on refuge land which lies south of the Planet Ranch Road.

(4) Up to two (2) dogs per hunter are permitted for the purpose of hunting and retrieving game.

(5) Neither hunters nor dogs may enter areas closed to hunting to retrieve game.

(6) Pits may not be dug, and permanent blinds may not be constructed. Hunters may not have possessory rights to any blind. Temporary blinds may be made of native dead vegetation. Any materials brought on the refuge for blind construction must be removed at the end of each day.

*Imperial National Wildlife Refuge*

Mourning doves and white-winged doves in accordance with California State regulations and special refuge regulations. Second season only: November 14 through December 3, 1981, inclusive.

## Special conditions:

(1) Up to two (2) dogs per hunter may be used for the purpose of hunting and retrieving.

(2) Pits and/or permanent blinds are prohibited.

**New Mexico***Bitter Lake National Wildlife Refuge*

Mourning and white-winged doves and teal ducks.

Special conditions: The refuge is open to public access in accordance with New Mexico State regulations and special refuge regulations listed.

(1) Steel (iron) shot shotgun ammunition only may be used for the taking of doves on the South Refuge Unit (Area C) during any period when a duck or waterfowl season runs concurrently with a dove season.

(2) Steel (iron) shot shotgun ammunition only may be used for the taking of teal ducks on the South Refuge Unit (Area C), and it will not be permissible to possess shotgun ammunition containing other than steel (iron) shot in this unit during any waterfowl season.

(3) Up to two (2) dogs per hunter may be used for the purpose of hunting and retrieving.

(4) Pits and/or permanent blinds are prohibited.

(5) Entrance into closed areas by hunters or dogs for retrieving game or for any other reason is prohibited.

*Bosque del Apache National Wildlife Refuge*

Mourning and white-winged doves.

Special conditions: The refuge is open to public access in accordance with New Mexico State regulations and special refuge regulations from ½ hour before sunrise to ½ hour after sunset only.

*Las Vegas National Wildlife Refuge*

Mourning doves.

## Special conditions:

(1) Dove hunting is permitted in accordance with New Mexico State regulations and special refuge regulations.

(2) A free permit will be required and is available at the refuge office.

(3) Parking is permitted only in designated parking areas.

(4) No shooting is permitted within 50 yards of any public road.

*Sevilleta National Wildlife Refuge*

Mourning and white-winged doves and teal ducks.

Special conditions: The refuge is open to public access in accordance with New Mexico State regulations and special refuge regulations listed.

(1) No camping is permitted.

(2) Parking will be limited to areas as posted on hunt map.

(3) There will be no entry to the hunt area earlier than 2 hours before sunrise.

(4) Pits and/or permanent blinds are prohibited.

(5) All hunters must be out of the hunt area by 2 hours after shooting hours.

(6) Fires of any type are prohibited.

(7) Unloaded firearms that are dismantled or cased may be transported through the closed area over posted routes of travel.

The provisions of these special regulations supplement regulations which govern on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

(16 U.S.C. 460k, 16 U.S.C. 668dd)

Dated: December 10, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 82-646 Filed 1-8-82; 8:45 am]

BILLING CODE 4310-55-M

**50 CFR Part 32****Hunting; National Wildlife Refuges in Arkansas, Louisiana, and Mississippi**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Special regulations.

**SUMMARY:** It has been determined that the opening to hunting of certain National Wildlife Refuges in Arkansas, Louisiana, and Mississippi is compatible with the objectives for which the areas were established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public. This document establishes special regulations effective for the upcoming hunting season for certain migratory bird species.

**EFFECTIVE DATES:** January 11, 1982, to termination of State waterfowl seasons.

**FOR FURTHER INFORMATION CONTACT:** The Area Manager or appropriate refuge manager at the address or telephone number listed below:

Gary Hickman, Area Manager, U.S. Fish and Wildlife Service, 200 E. Pascagoula St., Suite 300, Jackson, Mississippi 39201, Telephone (601) 960-4900

Daniel Tabberer, Refuge Manager, Bogue Chitto National Wildlife Refuge, 1010 Gause Blvd., Building 936, Slidell, Louisiana 70458, Telephone (504) 643-5817

Robert Bridges, Refuge Manager,  
Overflow National Wildlife Refuge,  
P.O. Box 279, Crossett, Arkansas  
71635, Telephone (504) 364-8700

George Chandler, Refuge Manager,  
Mathews Brake National Wildlife  
Refuge, P.O. Box 107, Yazoo City,  
Mississippi 39194, Telephone (601)  
746-8511

**SUPPLEMENTARY INFORMATION:** The author of this document is Alton Dunaway, Jackson Area Office, 200 E. Pascagoula Street, Suite 300, Jackson, Mississippi 39201, (601) 960-4905.

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the areas were established. In addition, the Refuge Recreation Act requires: (a) That any recreational use permitted will not interfere with the primary purpose for which an area was established; and (b) that funds are available for the development, operation, and maintenance of the permitted forms of recreation. The recreational use authorized by these regulations will not interfere with the primary purposes for which these refuges were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

Because of the time limitation involved to coordinate the State and Federal hunting regulations, and because of the rapid approach of the hunting season, the U.S. Department of the Interior has concluded that "good cause" exists within the meaning of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act to expedite the implementation of these special regulations. Therefore, the effective date is January 11, 1982.

The Fish and Wildlife Service has determined that this rulemaking is not a "major rule" within the meaning of Executive Order 12291 (46 FR 13193), and that the rulemaking would not have "significant economic effect on a substantial number of small entities" within the meaning of the Regulatory Flexibility Act (Pub. L. 96-354).

**§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.**

*General Conditions:* Hunting is permitted on National Wildlife Refuges

indicated below in accordance with 50 CFR Part 32, all applicable State regulations, the general conditions, and the following special regulations:

1. A list of special conditions applying to individual refuge hunts and a map of the hunt area(s) are available at each refuge headquarters. Portions of refuges which are closed to hunting are designated by signs and/or delineated on maps.

2. Only steel shot ammunition may be used during the refuge migratory waterfowl hunts. Possession of lead or other toxic shot in any gauge is prohibited during these hunts.

3. The use of retrievers is encouraged, but they must be under control of the handler at all times.

#### Arkansas

##### *Overflow National Wildlife Refuge*

(1) Ducks and coots only may be hunted one-half hour before sunrise until noon during regular State seasons, except the last three days of the season when State shooting hours apply. The refuge is closed during the special State teal season. Hunting is permitted refuge-wide.

(2) Only portable blinds are permitted and must be removed each day either to a designated area or from the refuge.

(3) Woodcock may be hunted during State season and hours refuge-wide.

(4) All firearms being transported in vehicles or boats must be empty and encased or dismantled.

#### Louisiana

##### *Bogue Chitto National Wildlife Refuge*

(1) Ducks may be hunted during the regular State season until 12 noon daily.

(2) Only portable blinds are permitted.

(3) Woodcock—State season.

#### Mississippi

##### *Mathews Brake National Wildlife Refuge*

(1) Ducks and coots only may be hunted each day except Sunday on approximately 807 acres from one-half hour before sunrise until 12 noon during the regular State seasons.

(2) Woodcock and snipe may be hunted during the State seasons except Sundays.

Dated: December 10, 1981.

(16 U.S.C. 460k, 16 U.S.C. 668dd)

G. Ray Arnett,

*Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 82-848 Filed 1-5-82; 8:45 am]

BILLING CODE 4310-55-M

#### 50 CFR Part 32

##### **Hunting; National Wildlife Refuges, California**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Special regulations.

**SUMMARY:** It has been determined that the opening of certain National Wildlife Refuges in California to hunting is compatible with the objectives for which the areas were established, will utilize a renewable national resource, and will provide additional recreational opportunity to the public. This document establishes special regulations effective for the upcoming waterfowl and upland game hunting seasons.

**DATES:** Effective January 11, 1982 through February 21, 1982.

**FOR FURTHER INFORMATION CONTACT:** The Refuge Manager at the address or telephone number below.

Lawrence N. Dean, Refuge Manager,  
Salton Sea National Wildlife Refuge,  
P.O. Box 120, Calipatria, California  
92233, Telephone (714) 348-2323

Gary R. Zahm, Refuge Manager,  
Kesterson National Wildlife Refuge,  
Merced National Wildlife Refuge, San  
Luis National Wildlife Refuge, P.O.  
Box 2176, Los Banos, California 93635,  
Telephone (209) 826-3508

Jack B. Helvie, Refuge Manager, Colusa  
National Wildlife Refuge, Delevan  
National Wildlife Refuge, Sacramento  
National Wildlife Refuge, Sutter  
National Wildlife Refuge, Route 1, Box  
311, Willows, California 95988,  
Telephone (916) 934-2801

Thomas Charmley, Refuge Manager,  
Kern National Wildlife Refuge, P.O.  
Box 219, Delano, California 93216,  
Telephone (805) 725-5284

Robert C. Fields, Refuge Manager, Clear  
Lake National Wildlife Refuge, Lower  
Klamath National Wildlife Refuge,  
Tule Lake National Wildlife Refuge,  
Route 1, Box 74, Tulelake, California  
96134, Telephone (916) 667-2231

Edward C. Bloom, Refuge Manager,  
Modoc National Wildlife Refuge, P.O.  
Box 1610, Alturas, California 96101,  
Telephone (916) 233-3572

**SUPPLEMENTARY INFORMATION:** The author of this document is Lynn C. Howard, Sacramento Area Office, U.S. Fish and Wildlife Service, 2800 Cottage Way, Sacramento, California 95825, (916) 484-4958.

Hunting on portions of the following National Wildlife Refuges shall be in accordance with applicable State and Federal regulations, subject to additional Special Regulation and

conditions as indicated. Portions of the refuges which are open to hunting are designated by signs and/or delineated on maps. Special conditions applying to refuge are listed on the reverse side of maps available at refuge headquarters. No vehicle travel is permitted except on designated roads and trails.

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the areas were established. In addition, the Refuge Recreation Act requires that: (1) Any recreational use permitted will not interfere with the primary purpose for which the area was established; and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation. The recreational use authorized by these regulations will not interfere with the primary purposes for which these National Wildlife Refuges were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

The Department of the Interior has determined that this rulemaking is not a "major rule" within the meaning of Executive Order 12291 (46 FR 13193), and that the rulemaking would not have "significant economic effect on a substantial number of small entities" within the meaning of the Regulatory Flexibility Act (Pub. L. 96-354).

Because of the time limitation involved to coordinate the State and Federal hunting regulations and because of the rapid approach of the hunting seasons, the U.S. Department of the Interior has concluded that "good cause" exists within the meaning of 5 U.S.C. 553(d)(3), of the Administrative Procedure Act to expedite the implementation of these special regulations. Therefore the effective date is January 11, 1982.

**§ 32.12 Special Regulations; migratory game birds; for individual wildlife refuge areas.**

**California**

Migratory game birds, except pigeons and doves, may be hunted on the following refuges:

**Salton Sea National Wildlife Refuge**

Special Conditions: (1) Hunters using the Union Tract must use goose decoys.

(2) Hunters must hunt from assigned blinds or stakes.

(3) No alcoholic beverages are permitted within the hunt area.

**Kern National Wildlife Refuge**

Special Conditions: (1) All persons assigned to the spaced blind unit must remain within 100 feet of the numbered steel post (blind site), except when pursuing cripples, placing decoys, or traveling to and from the parking lot.

(2) Hunters assigned to the spaced blind unit must travel to and from parking areas and blind sites with firearms unloaded.

(3) Hunting of snipe is prohibited.

(4) Each hunter will be assigned to a specific parking lot and will be required to park in that lot only.

**Merced National Wildlife Refuge**

Special Conditions: (1) All persons assigned to the spaced blind unit must remain in their blind except when pursuing cripples or retrieving birds, placing decoys, or traveling to and from the parking lot. All shooting must be from assigned blinds only, except when pursuing crippled birds.

(2) No snipe may be taken in the spaced blind unit.

(3) Hunters assigned to the spaced blind unit must travel to and from parking areas and blinds with firearms unloaded.

**Sacramento National Wildlife Refuge**

**Colusa National Wildlife Refuge**

Additional Special Conditions: None.

**Delevan National Wildlife Refuge**

Additional Special Conditions: None.

**Sutter National Wildlife Refuge**

Additional Special Conditions: None.

**Kesterson National Wildlife Refuge**

Additional Special Conditions: None.

**San Luis National Wildlife Refuge**

**Clear Lake National Wildlife Refuge**

Special Conditions: (1) Air-thrust and inboard water-thrust boats are prohibited.

**Lower Klamath National Wildlife Refuge**

Special Conditions: (1) During the first two days of waterfowl season, all hunters 16 years of age and older, must have in their possession an entry permit for the controlled hunting unit in which they are hunting.

(2) Posted retrieving zones are established on certain hunting units. Possession of firearms in these retrieving zones is prohibited, except unloaded firearms may be taken through these zones when necessary to reach or leave hunting areas. Decoys may not be set in retrieving zones.

(3) Air-thrust and inboard water-thrust boats are prohibited.

(4) Legal waterfowl shooting hours end at 1:00 p.m. daily on all California portions of the refuge.

(5) No person may possess any weapon or ammunition that may not be legally used for the taking of waterfowl or pheasants.

**Tule Lake National Wildlife Refuge**

Special Conditions: (1) During the first two days of waterfowl season, all hunters, 16 years of age and older, must have in their possession an entry permit for the controlled hunting unit in which they are hunting.

(2) Posted retrieving zones are established on certain hunting units. Possession of firearms in these retrieving zones is prohibited, except, unloaded firearms may be taken through these zones when necessary to reach or leave hunting areas. Decoys may not be set in retrieving zones.

(3) Air-thrust and inboard water-thrust boats are prohibited.

(4) In designated spaced blind areas, hunters may not possess any loaded firearm further than 100 feet from the established blind stakes. Hunters will select blind sites by lottery at the beginning of each day's hunt. Hunters may shoot only from within their assigned blind sites.

(5) No person may possess any weapon or ammunition that may not be legally used for taking waterfowl or pheasants.

(6) Legal waterfowl shooting hours end at 1:00 p.m. daily.

**Modoc National Wildlife Refuge**

Special Conditions: (1) First weekend only, entry permits are required to enter the hunting area for every individual with the exception of persons under 16 years of age.

(2) After first weekend, hunting permitted on Tuesdays, Thursdays, and Saturdays during authorized seasons.

(3) In the designated spaced blind area, hunters must remain within 100 feet of the established blind stake.

**§ 32.22 Special Regulations; upland game; for individual wildlife refuge areas.**

Ring-necked pheasant only may be hunted on the following refuge areas:

**California***Colusa National Wildlife Refuge*

Additional Special Conditions: None.

*Delevan National Wildlife Refuge*

Additional Special Conditions: None.

*Kern National Wildlife Refuge*

Special Condition: No pheasant hunting is permitted in the spaced blind unit.

*Merced National Wildlife Refuge*

Additional Special Conditions: None.

*Sacramento National Wildlife Refuge*

Special Condition: A special one day only pheasant hunt will be permitted in the spaced blind unit on the first Monday after the opening of the State pheasant hunting season. The remainder of the season, pheasant hunting will not be permitted in the spaced blind unit.

*San Luis National Wildlife Refuge*

Additional Special Conditions: None.

*Sutter National Wildlife Refuge*

Additional Special Conditions: None.

*Lower Klamath National Wildlife Refuge*

Special Conditions: (1) Pheasant may not be hunted in the controlled waterfowl hunting area or in the retrieving zones.

(2) In the controlled pheasant hunting area, entry permits are required throughout the pheasant season for all hunters 16 years of age or older. Advance reservations are also available for the following seven days.

(3) No person may possess any weapon that may not be legally used for the taking of pheasant.

*Tule Lake National Wildlife Refuge*

Special Conditions: (1) Pheasant may not be hunted in the controlled waterfowl hunting area or in the retrieving zones.

(2) In the controlled pheasant hunting area, entry permits are required throughout the pheasant season for all hunters 16 years of age or older. Advance reservations are required for the first two days of the hunt. Advance reservations are also available for the following seven days.

(3) No person may possess any weapon that may not be legally used for the taking of pheasant

(16 U.S.C. 460k, 16 U.S.C. 668dd).

Dated: December 10, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 82-650 Filed 1-8-82; 8:45 am]

BILLING CODE 4310-55-M

**50 CFR Part 32****Hunting; National Wildlife Refuges in California and Oregon**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Special regulations.

**SUMMARY:** the Director has determined that the opening to hunting of certain National Wildlife Refuges in Oregon is compatible with the objectives for which these areas were established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public. This document establishes special regulations effective for the upcoming hunting seasons for migratory game birds, upland game, and big game.

**DATE:** Effective January 11, 1982 to February 28, 1982.

**ADDRESSES:** Additional information regarding the hunting programs can be obtained from the Refuge Managers listed below:

Clifford L. Himmel, Refuge Manager, Ankeny National Wildlife Refuge, Route 1, Box 198, Jefferson, Oregon 97352, Telephone (503) 327-2444

George M. Constantino, Refuge Manager, Cold Springs National Wildlife Refuge, McKay Creek National Wildlife Refuge, Umatilla National Wildlife Refuge, P. O. Box 239, Umatilla, Oregon 97882, Telephone (503) 922-3232

Gary A. Hagedorn, Refuge Manager, Lewis and Clark National Wildlife Refuge, P.O. Box 566, Cathlamet, Washington 98612, Telephone (503) 895-3915

Ralph Lettenmaier, Refuge Manager, Baskett Slough National Wildlife Refuge, 10995 Highway 22, Dallas, Oregon 97338, Telephone (503) 623-2749

Robert C. Fields, Refuge Manager, Klamath Forest National Wildlife Refuge, Lower Klamath National Wildlife Refuge, Upper Klamath National Wildlife Refuge, Route 1, Box 74, Tulelake, California 96134, Telephone (916) 667-2231

Joseph P. Mazzoni, Refuge Manager, Malheur National Wildlife Refuge, P.O. Box 113, Burns, Oregon 97720, Telephone (502) 493-2323

Daniel Boone, Refuge Manager, William L. Finley National Wildlife Refuge,

Route 2, Box 208, Corvallis, Oregon 97330, Telephone (503) 757-7236

**FOR FURTHER INFORMATION CONTACT:**

Joseph R. Blum, Area Manager, U.S. Fish and Wildlife Service, Area Office, 2625 Parkmont Lane, Olympia, Washington 98502, Telephone: FTS 434-9578; Commercial (206) 753-9578 or 9579.

**SUPPLEMENTARY INFORMATION:**

The author of this document is John H. Doebel, Assistant Area Manager, Olympia Area Office, U.S. Fish and Wildlife Service, 2625 Parkmont Lane, Olympia, Washington 98502, FTS 434-9578 or 9579; Commercial (206) 753-9578 or 9579.

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires (1) That no area of the refuge system is used for forms of recreation not directly related to the primary purposes for which the area was established; and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which the National Wildlife Refuges were established. This determination is based upon consideration of, among other things, the Service's final environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

The Department of Interior has determined that this rulemaking is not a "major rule" within the meaning of Executive Order 12291 (46 FR 13193), and that the rulemaking would not have "significant economic effect on a substantial number of small entities" within the meaning of the Regulatory Flexibility Act (Pub. L. 96-354).

Because of the time limitation involved to coordinate the State and Federal hunting regulations and because of the rapid approach of the hunting seasons, the U.S. Department of the Interior has concluded that "good cause" exists within the meaning of 5 U.S.C. 553(d)(3), of the Administrative Procedure Act to expedite the implementation of these special regulations. Therefore the effective date is January 11, 1982.

Hunting is permitted on the National Wildlife Refuges indicated below in accordance with 50 CFR Part 32 and the following Special Regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. No vehicular travel is permitted except on maintained roads and trails.

Special conditions and maps applying to individual refuges are available as pamphlet handouts at each refuge headquarters and from the Regional Director, U.S. Fish and Wildlife Service, Lloyd 500 Building, 500 N.E. Multnomah Street, Portland, Oregon 97232. Hunting shall be in accordance with all applicable State regulations subject to the following conditions:

**§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.**

Doves, pigeons, ducks, geese, coots, and common snipe may be hunted on the following refuge areas:

**California**

*Lower Klamath National Wildlife Refuge*

Special Conditions: (1) Posted retrieving zones are established on certain hunting units. Possession of firearms in these retrieving zones is prohibited, except unloaded firearms may be taken through these zones when necessary to reach or leave hunting areas.

(2) Air-thrust and inboard water-thrust boats are prohibited.

(3) All decoys, boats, and other personal property must be removed at the close of each day.

*Upper Klamath Forest National Wildlife Refuge*

Special Conditions: (1) Air-thrust and all-terrain vehicles are prohibited.

(2) All decoys, boats, and other personal property must be removed from the refuge at the close of each day.

**Oregon**

*Ankeny National Wildlife Refuge*

Special Conditions: (1) Mourning dove and band-tailed pigeon hunters must check in and out of the refuge by use of self-service permits.

(2) Waterfowl, coot, and snipe hunting is permitted on Wednesdays, Saturdays, and Sundays from opening shooting time until 12 noon during the authorized season.

(3) A Federal permit is required for waterfowl, coot, and snipe hunting and will be issued on an advance reservation basis.

(4) Steel shot only may be possessed or used on the refuge while hunting waterfowl, coot, and snipe.

(5) Waterfowl, coot, and snipe hunters are limited to the possession and use of twenty (20) shells per day.

*Basket Slough National Wildlife Refuge*

Special Conditions: (1) Mourning dove and band-tailed pigeon hunting is prohibited.

(2) Waterfowl, coot, and snipe hunting is permitted on Wednesdays, Saturdays, and Sundays from opening shooting time until 12 noon during the authorized season.

(3) A Federal permit is required for waterfowl, coot, and snipe hunting and will be issued on an advance reservation basis.

(4) Steel shot only may be possessed or used on the refuge while hunting waterfowl, coot, and snipe.

(5) Waterfowl, coot, and snipe hunters are limited to the possession and use of twenty (20) shells per day.

*Malheur National Wildlife Refuge*

Special Conditions: (1) That portion of the Blitzen Valley west of Highway 205 and the Malheur Lake area will be open to hunting as posted.

(2) The Malheur Lake hunt area is open for scouting with boats two weeks prior to season opening.

(3) Use of motors on boats, all-terrain vehicles, and construction or use of permanent blinds are prohibited.

*William L. Finley National Wildlife Refuge*

Special Conditions: (1) Mourning dove and band-tailed pigeon hunters are required to check in and out of the refuge daily by use of self-service permits.

(2) Waterfowl, coot, and snipe hunting is permitted on Wednesdays, Saturdays, and Sundays from opening shooting time until 12 noon during the authorized season.

(3) A Federal permit is required for waterfowl, coot, and snipe hunting and will be issued on an advance reservation basis.

(4) Steel shot only may be possessed or used on the refuge while hunting waterfowl, coots, and snipe.

(5) Waterfowl, coot, and snipe hunters are limited to the possession and use of twenty (20) shells per day.

Ducks, geese, coots, and common snipe may be hunted on the following refuge areas:

*Lewis and Clark National Wildlife Refuge*

Special Conditions: Camping and overnight parking is prohibited.

*Cold Springs National Wildlife Refuge*

Special Conditions: Camping and overnight parking is prohibited.

*McKay Creek National Wildlife Refuge*

Special Conditions: (1) Waterfowl and coot hunting is permitted on Wednesdays, Saturdays, Sundays, and State holidays except Christmas.

(2) A refuge hunting permit will be required of each hunter for both days of the opening weekend. One hundred (100) permits will be issued for each day. Hunters may apply for one day of the opening weekend by a random drawing and issued dated permits along with one guest permit.

(3) Decoys may not be left set up for hunting on the refuge overnight.

*Umatilla National Wildlife Refuge*

Special Conditions: (1) Waterfowl and coot hunting is permitted on Wednesdays, Saturdays, Sundays, and State holidays except Christmas.

(2) A Federal hunting permit is required and will be issued on an advance reservation basis.

(3) Successful waterfowl applicants may bring one guest and must arrive at hunter check stations at least one hour before shooting time or reservation is cancelled.

(4) Only steel shot may be possessed while hunting waterfowl and coot. Ducks, geese, and coots may be hunted on the following refuge areas:

*Klamath Forest National Wildlife Refuge*

Special Conditions: (1) Air-thrust and inboard water-thrust boats and all-terrain vehicles are prohibited.

(2) All decoys, boats, and other personal property must be removed from the refuge at the close of each day.

**§ 32.22 Special Regulations; upland game, for individual wildlife refuge areas.**

**Oregon**

Upland game birds and rabbits (shotgun only) may be hunted on the following refuge areas:

*Cold Springs National Wildlife Refuge*

Special Conditions: Hunting permitted during that part of the State season concurrent with waterfowl hunting season.

*McKay Creek National Wildlife Refuge*

Special Conditions: (1) Upland game bird and rabbit hunting is permitted on Wednesdays, Saturdays, Sundays, and State holidays (except Christmas) during that part of the State season concurrent with waterfowl hunting season.

(2) A refuge hunting permit will be required of each hunter for both days of the opening weekend. One hundred permits will be issued for each day. Hunters may apply for one day only (Saturday or Sunday) of the opening weekend. Fifty (50) hunters will be selected for each day of the opening weekend by a random drawing and issued dated permits along with one guest permit.

#### *Umatilla National Wildlife Refuge*

Special Conditions: (1) Upland game bird and rabbit hunting is permitted from 12 noon until sunset on Wednesdays, Saturdays, Sundays, and State holidays (except Christmas), during that part of the State season concurrent with the waterfowl hunting season.

(2) A refuge hunting permit will be required of each hunter for both days of the opening weekend. One hundred fifty (150) permits will be issued for each day. Hunters must register for one day only (Saturday or Sunday) of the opening weekend. Seventy-five (75) hunters will be selected for each day of the opening weekend by a random drawing and issued dated permits along with one guest permit.

Pheasant, quail, partridge, coyotes, rabbits, and hares may be hunted on the following refuge areas:

#### *Malheur National Wildlife Refuge*

Special Conditions: (1) Pheasant, quail, and partridge hunting will be permitted on the Blitzen Valley upland game hunting area during the last nine days of the State season.

(2) Pheasant, quail, and partridge hunting will be permitted on the Malheur Lake waterfowl hunting area during the waterfowl season.

(3) Hunting for the above species will be permitted in the Blitzen Valley west of Highway 205 and in accordance with State regulations.

Pheasant and quail may be hunted on the following refuge areas:

#### *Lower Klamath National Wildlife Refuge*

Only pheasants may be hunted.

§ 32.32 Special regulations; big game; for individual refuge areas.

#### Oregon

Deer and antelope may be hunted on the following areas:

#### *Malheur National Wildlife Refuge*

Hunting for deer and antelope is restricted to that portion of the refuge in the Blitzen Valley west of Highway 205 consistent with State regulations.

Deer may be hunted on the following refuge area:

#### *William L. Finley National Wildlife Refuge*

Special Conditions: (1) Deer is the only species of big game which may be taken.

(2) Hunters are required to check in and out of the refuge by use of self-service permits.

(3) The use of rifles is prohibited.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50 Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

(16 U.S.C. 460k, 16 U.S.C. 668dd)

Dated: December 10, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 82-651 Filed 1-8-82; 8:45 am]

BILLING CODE 4310-55-M

#### 50 CFR Part 32

#### Hunting; National Wildlife Refuges in Alabama, Arkansas, Louisiana, and Mississippi

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulations.

**SUMMARY:** It has been determined that the opening to hunting of certain National Wildlife Refuges in Alabama, Arkansas, Louisiana, and Mississippi is compatible with the objectives for which the areas were established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public. In addition, managed big game hunts are designed to keep population levels compatible with habitat capabilities. This document establishes special regulations effective for the upcoming hunting seasons for certain upland and big game species.

**EFFECTIVE DATES:** January 11, 1982 through May 30, 1982.

#### FOR FURTHER INFORMATION CONTACT:

The Area Manager or appropriate refuge manager at the address or telephone number listed below:

Gary Hickman, Area Manager, U.S. Fish and Wildlife Service, 200 E. Pascagoula Street, Suite 300, Jackson, Mississippi 39201, Telephone (601) 960-4900

Thomas Z. Atkeson, Refuge Manager, Blowing Wind Cave and Wheeler National Wildlife Refuges, Box 1643,

Decatur, Alabama 35602, Telephone (205) 353-7243

Robert Bridges, Refuge Manager, Felsenthal National Wildlife Refuge, P.O. Box 279, Crossett, Arkansas 71635, Telephone (501) 364-8700

Don Temple, Refuge Manager, Eufaula National Wildlife Refuge, Route 2, Box 97-B, Eufaula, Alabama 36027, Telephone (205) 687-4065

Marvin L. Nichols, Refuge Manager, Big Lake National Wildlife Refuge, Box 67, Manila, Arkansas 72442, Telephone (501) 564-4249

Cecil E. McMullan, Refuge Manager, Holla Bend National Wildlife Refuge, Box 1043, Russellville, Arkansas 72801, Telephone (501) 968-2800

Michael Riley, Refuge Manager, Wapanocca National Wildlife Refuge, P.O. Box 279, Turrell, Arkansas 72384, Telephone (501) 343-2595

Stephen K. Joyner, Refuge Manager, Catahoula National Wildlife Refuge, P.O. Drawer LL, Jena, Louisiana 71342, Telephone (318) 992-5261

Emil T. Heuer, Jr., Refuge Manager, Delta-Breton National Wildlife Refuge, Venice, Louisiana 70091

James H. Roberts, Refuge Manager, Noxubee National Wildlife Refuge, Route 1, Box 142, Brooksville, Mississippi 39739, Telephone (601) 323-5548

Raymond R. McMaster, Refuge Manager, White River National Wildlife Refuge, Box 308, DeWitt, Arkansas 72042, Telephone (501) 946-1468

Daniel W. Doshier, Refuge Manager, D'Arbonne and Upper Ouachita National Wildlife Refuges, P.O. Box 3065, Monroe, Louisiana 71201, Telephone (318) 325-1735

George Chandler, Refuge Manager, Hillside, Morgan Brake, and Panther Swamp National Wildlife Refuges, P.O. Box 107, Yazoo City, Mississippi 39194, Telephone (601) 746-8511

Benard H. Powell, Refuge Manager, Yazoo National Wildlife Refuge, Route 1, Box 286, Hollandale, Mississippi 38748, Telephone (601) 839-2638

#### SUPPLEMENTARY INFORMATION:

The author of this document is Alton Dunaway, U.S. Fish and Wildlife Service, Jackson Area Office, 200 E. Pascagoula Street, Suite 300, Jackson, Mississippi 39201 (601) 960-4905.

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives

for which the areas were established. In addition, the Refuge Recreation Act requires: (a) That any recreational use permitted will not interfere with the primary purpose for which an area was established; and (b) that funds are available for the development, operation, and maintenance of the permitted forms of recreation. The recreational use authorized by these regulations will not interfere with the primary purposes for which these refuges were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

Because of the time limitation involved to coordinate the State and Federal hunting regulations and because of the rapid approach of the hunting seasons, the U.S. Department of the Interior has concluded that "good cause" exists within the meaning of 5 U.S.C. 553(d)(3), of the Administrative Procedure Act to expedite the implementation of these special regulations. Therefore the effective date is January 11, 1982.

The Fish and Wildlife Service has determined that this rulemaking is not a "major rule" within the meaning of Executive Order 12291 (46 FR 13193), and that the rulemaking would not have "significant economic effect on a substantial number of small 'entities' within the meaning of the Regulatory Flexibility Act (Pub. L. 96-354).

#### General Conditions

Hunting is permitted on National Wildlife Refuges indicated below in accordance with 50 CFR Part 32, all applicable State regulations, the general conditions, and the following special regulations:

1. A list of special conditions applying to individual refuge hunts and a map of the hunt area(s) are available at each refuge headquarters. Portions of refuges which are closed to hunting are designated by signs and/or delineated on maps.

2. Unless otherwise specified, dogs are not permitted on refuge areas.

#### § 32.22 Special regulations; upland game; for individual wildlife refuge areas.

##### Alabama

###### *Blowing Wind Cave National Wildlife Refuge*

(1) Dates, species, and regulations same as Sauty Creek-Crow Creek State Waterfowl Refuge.

##### *Wheeler National Wildlife Refuge*

(1) Upland game hunting is permitted on approximately 19,000 acres for squirrel, rabbit, raccoon, and opossum.

(2) Seasons: raccoon and opossum—February 1 through February 20, night hours only. Special rabbit hunt—February 1 through February 27 with shotguns and bows and arrows except in southwest portion of refuge where bows and arrows only are allowed; the use of dogs is permitted.

(3) Permits are required.

(4) Sunday hunting is prohibited.

##### Arkansas

###### *Felsenthal National Wildlife Refuge*

(1) Squirrel may be hunted through January 30 refuge-wide, except closed in the waterfowl sanctuary area during waterfowl season. Steel shot required during waterfowl season.

(2) Rabbits—State season refuge-wide, except closed in the waterfowl sanctuary area during the waterfowl season.

(3) Quail—State season refuge-wide, except closed in the waterfowl sanctuary area during the waterfowl season.

(4) Beaver may be hunted through February 28 refuge-wide, except closed in the waterfowl sanctuary area during the waterfowl season.

(5) Raccoon may be hunted the first three nights of the State season and four consecutive nights starting on the night following closure of the State waterfowl season. Hunting hours are 4:00 p.m. to 7:00 a.m. Open refuge-wide, except closed in the waterfowl sanctuary area during the waterfowl season.

(6) Dogs are permitted only for quail and raccoon hunts. No more than two dogs per hunter and four dogs per party are permitted for raccoon hunts.

(7) All firearms being transported in vehicles or boats must be empty and encased or dismantled. Firearms in camps must be dismantled.

(8) Camping is allowed only adjacent to readily identifiable roads and river channels within area open to hunting.

##### Louisiana

###### *D'Arbonne National Wildlife Refuge*

(1) Species permitted: squirrel and rabbit—State seasons; rabbits with beagles allowed only after the end of the State gun deer season; raccoon—begins day after third segment of State deer gun season ends; quail—State season.

(2) Dogs are permitted during the January raccoon, quail, and special beagle/rabbit hunts only.

##### *Upper Ouachita National Wildlife Refuge*

(1) Squirrel—State season; rabbit—State season; rabbit with beagles allowed only after State gun deer season; quail—State season; raccoon—begins the day after third segment of State deer gun season ends through January 31.

##### Mississippi

###### *Hillside National Wildlife Refuge*

(1) Upland game hunting is permitted on approximately 15,400 acres for quail, rabbit, squirrel, raccoon, and opossum. Beaver may be taken as an incidental species.

(2) Seasons: quail—State season; rabbit—State season, except no dogs will be allowed until after January 31, 1982; squirrel—State season; raccoon and opossum—State season except the refuge will be closed during the State deer gun seasons.

(3) Hours for raccoon and opossum hunting are 5:00 p.m. until 4:00 a.m.

(4) Sunday hunting is prohibited.

(5) Dogs are permitted during quail, raccoon, and opossum hunts. Only beagles are permitted during the February 1, 1982, through February 28, 1982, rabbit hunt.

###### *Morgan Brake National Wildlife Refuge*

(1) Seasons: rabbit—State season but no dogs allowed until after January 31, 1982, beagles only; squirrel—State; raccoon and opossum—State season except closed during the State deer-gun season.

(2) Beaver may be taken as an incidental species.

(3) No Sunday hunting.

###### *Noxubee National Wildlife Refuge*

(1) Species permitted; squirrel—through January 2 (still hunt only), January 11 through January 17 (with dogs); rabbit—through January 2 (no dogs), January 11 through February 28 (with dogs); beaver may be hunted as an incidental species during the squirrel and rabbit hunts. Quail—January 11 through February 28, shotguns only. Snipe and woodcock may be hunted as incidental species during the quail hunt. Raccoon and opossum—January 11 through February 12, only with .22 caliber rimfire weapons from 4:00 p.m. to 7:00 a.m.

(2) No refuge permits will be required for squirrel, rabbit, quail, raccoon, and opossum hunts.

(3) Sunday hunting is prohibited.

(4) During all deer gun hunts all quail and squirrel hunters will be required to wear hunter orange.

*Panther Swamp National Wildlife Refuge*

(1) Upland game hunting is permitted on approximately 16,300 acres for rabbit, squirrel, raccoon, and opossum. Beaver may be taken as an incidental species.

(2) Seasons: rabbit—State season except dogs are not allowed until after January 31, 1982. Squirrel—State season except dogs are allowed through December 1. Raccoon and opossum—State season except during State deer gun season, dogs permitted.

(3) Hours for raccoon and opossum hunting are 5:00 p.m. until 4:00 a.m.

(4) Sunday hunting is prohibited.

*Yazoo National Wildlife Refuge*

(1) Species permitted: raccoon and opossum—February 1 through February 12.

(2) Permits are required.

(3) No Sunday hunting is permitted.

**§ 32.32 Special regulations; big game; for individual wildlife refuges areas.****Alabama***Eufaula National Wildlife Refuge*

(1) Archery deer hunt: open starting with the first day of the State archery season until the State gun season opens. The archery season will reopen for the last three weeks of the State gun season.

(2) Only portable tree stands are permitted which must be removed after each day's hunt.

(3) All deer taken must be checked at the refuge headquarters or designated check station.

(4) Sunday hunting is prohibited.

*Wheeler National Wildlife Refuge*

(1) Archery deer hunt: through January 25, either sex.

(2) Primitive weapons deer hunt (archery and muzzleloaders 40 caliber and larger): January 22 and 23, either sex.

(3) Redstone Arsenal deer hunt: Contact Post Warden's Office for dates and regulations.

(4) Permits are required.

(5) Hunting is permitted for approximately 19,000 acres.

(6) Sunday hunting is prohibited.

**Arkansas***Felsenthal National Wildlife Refuge*

(1) Deer (archery, muzzleloader, and regular gun) hunting is permitted during regular State seasons. Open refuge-wide, except closed in the waterfowl sanctuary area during waterfowl season. Only portable stands may be used.

(2) Coyote may be hunted during all other refuge hunts in areas and with weapons applicable to those hunts.

(3) Feral hogs may be hunted during deer gun seasons only in areas open and with weapons legal for deer. There is no bag limit on feral hogs.

(4) All firearms being transported in vehicles or boats must be empty and encased or dismantled. Firearms in camps must be empty. Firearms are not permitted outside of refuge hunting seasons.

(5) Horses are prohibited during refuge gun hunts. At other times they may be used on refuge roads.

(6) Camping is allowed only adjacent to readily identifiable roads and river channels within areas open to hunting.

*White River National Wildlife Refuge*

(1) Archery hunt (deer and turkey): January 29 through February 15. Season north of Highway 1—through November 5. Squirrel, rabbit, and beaver may be taken as incidental species.

(2) Youth gun deer hunt: November 27 through November 29. Limit two deer of either sex (not a bonus deer).

(3) Turkey hunt: each Wednesday through Saturday of State spring season.

(4) Permits are required for primitive weapons hunt, and youth deer hunt.

(5) No loaded firearms allowed in boats, vehicles, on campgrounds, or in roadways used by vehicles.

(6) All deer taken in the youth deer hunt must be checked at a designated check station.

(7) Horses are prohibited.

**Louisiana***Catahoula National Wildlife Refuge*

(1) Archery deer hunt: State season. Rabbit and squirrel may be taken as an incidental species.

(2) No permanent tree stand may be constructed.

(3) All bagged deer must be checked at refuge headquarters.

*D'Arbonne National Wildlife Refuge*

(1) Archery deer hunt: State season; gun deer hunts—first segment of State season, either sex on State-wide either-sex day; and first 2 days of second segment, either sex.

(2) Portable stands only. Stands may not be nailed to trees or left on refuge overnight.

(3) Unmarked feral hogs and coyotes may be taken during refuge deer seasons.

*Upper Ouachita National Wildlife Refuge*

(1) Archery deer hunt: State season; gun deer hunts—first segment of State season, either sex on State-wide either-sex day; and first 2 days of second segment, either sex.

(2) Portable stands only. Stands may not be nailed to trees or left on refuge overnight.

(3) Unmarked feral hogs and coyotes may be taken during refuge deer season.

**Mississippi***Hillside National Wildlife Refuge*

(1) Archery deer hunt—State season; primitive weapons deer hunt—State season, either sex.

(2) Sunday hunting is prohibited.

(3) The use of any drug on arrow is prohibited. Bow hunters may not have arrows employing drugs or drug holding devices in their possession.

*Morgan Brake National Wildlife Refuge*

(1) Archery deer hunt—State seasons; primitive weapons deer hunt—State seasons, either sex.

(2) Sunday hunting is prohibited.

(3) The use of any drug on arrows is prohibited. Bow hunters may not have arrows employing drugs or drug holding devices in their possession.

*Noxubee National Wildlife Refuge*

(1) Gun deer hunt—Either sex: A limited either sex gun hunt is planned. Hunt dates and other information is available at refuge headquarters.

(2) Turkey hunt: State seasons; with shotguns only.

(3) All deer and turkey harvested must be checked at the refuge headquarters or designated check station.

(4) The possession or use of any drugged arrow for bow hunting is prohibited.

(5) Sunday hunting is prohibited.

(6) Horses are prohibited.

(7) Permits are required for all deer and turkey hunts.

(8) Man-drive deer hunting is prohibited.

(9) The use of any citizens band radio device to aid in the pursuit or taking of game animals is prohibited.

*Panther Swamp National Wildlife Refuge*

(1) Archery deer hunt—State season; primitive weapons deer hunt—State season; gun deer hunt—State season.

(2) Turkey—State season.

(3) The use of any drug on arrows is prohibited. Bowhunters may not have arrows employing drugs or any drug holding devices in their possession.

(4) Sunday hunting is prohibited.

*Yazoo National Wildlife Refuge*

(1) Archery deer hunt: State season; either sex.

(2) Primitive weapons deer hunt: first State primitive weapons season; muzzleloader only; either sex.

(3) All deer hunting will terminate when a total of 80 doe deer have been harvested.

(4) Permits are required.

(5) Man-drive deer hunting is prohibited.

(6) All deer must be checked at refuge headquarters.

(7) No Sunday hunting permitted.

(8) A minimum of 500 square inches of fluorescent hunter orange must be visibly worn above the waist during deer gun hunts.

[16 U.S.C. 460k, 16 U.S.C. 668dd]

Dated: December 10, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 82-645 Filed 1-8-82; 8:45 am]

BILLING CODE 4310-55-M

## 50 CFR Part 32

### Hunting; National Wildlife Refuges in Arizona, California, and New Mexico

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Special regulations.

**SUMMARY:** The Director has determined that the opening to hunting of upland game on certain National Wildlife Refuges is compatible with the objectives for which the areas were established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public. These special regulations describe the conditions under which hunting will be permitted on portions of certain National Wildlife Refuges in Arizona, California, and New Mexico.

**DATES:** Effective on January 11, 1982 through March 1, 1982.

**FOR FURTHER INFORMATION CONTACT:**

The Area Manager or appropriate Refuge Manager at the address or telephone number listed below:

Albert W. Jackson, Area Manager, U.S. Fish and Wildlife Service, 2953 West Indian School Road, Phoenix, Arizona 85017, Telephone (602) 241-2487

Wesley V. Martin, Refuge Manager, Cibola National Wildlife Refuge, P.O. Box AP, Blythe, California 92225, Telephone (714) 922-2129

William Behrends, Acting Refuge Manager, Imperial National Wildlife Refuge, P.O. Box 2217, Martinez Lake, Arizona 85364, Telephone (602) 783-3400

Ronald L. Perry, Refuge Manager, Bosque del Apache National Wildlife Refuge, P.O. Box 1246, Socorro, New Mexico 87801, Telephone (505) 835-1828

Milton K. Haderlie, Refuge Manager, Kofa National Wildlife Refuge, P.O. Box 1032, Yuma, Arizona 85364, Telephone (602) 783-7861

Tyrus W. Berry, Refuge Manager, Havasu National Wildlife Refuge, P.O. Box A, Needles, California 92363, Telephone (714) 326-3853

LeMoyné B. Marlatt, Refuge Manager, Bitter Lake National Wildlife Refuge, P.O. Box 7, Roswell, New Mexico 88201, Telephone (505) 622-6755

**SUPPLEMENTARY INFORMATION:** Hunting of upland game and/or predators on portions of the following refuges shall be in accordance with applicable State and Federal regulations, subject to additional special regulations and conditions as indicated. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. Vehicular travel is restricted to designated roads and trails on maps. Special conditions applying to individual refuges and maps are available at refuge headquarters or from the Office of the Area Manager (addresses listed above).

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires (1) That any recreational use permitted will not interfere with the primary purpose for which the area was established; and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purpose for which these refuges were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

The Department of the Interior has determined that this document is not a "major rule" within the meaning of Executive Order 12291 (46 FR 13193) and that the rulemaking would not have a "significant economic effect on a substantial number of small entities" within the meaning of the Regulatory Flexibility Act (Pub. L. 96-354).

Because of the time limitation involved to coordinate the State and Federal hunting regulations and because

of the rapid approach of the hunting seasons, the U.S. Department of the Interior has concluded that "good cause" exists within the meaning of 5 U.S.C. 553(d)(3), of the Administrative Procedure Act to expedite the implementation of these special regulations. Therefore the effective date is January 11, 1982.

### § 32.22 Special regulations; upland game; for individual wildlife refuge areas.

#### Arizona

##### Kofa National Wildlife Refuge

**Special Conditions:**

(1) Quail, cottontail rabbits, coyotes, fox, and bobcat may be taken.

(2) The open season for hunting quail and cottontail rabbits on the refuge extends through February 15, 1982.

(3) Hunting of quail and cottontail rabbits permitted by shotguns only.

(4) The open season for hunting coyotes, fox, and bobcat on the refuge extends through February 28, 1982, except the refuge is closed to the taking of predators and furbearing animals during the deer season, except that deer hunters with a valid unit 45A, 45B, and 45C deer permit may take predators until a deer is taken.

(5) Possession of any loaded or uncased firearm shall mean any firearm not encased in a holster, scabbard, or gun case.

(6) Possession of all rimfire firearms on the Kofa Refuge is prohibited.

(7) Hunting is not permitted in the area known as Crystal Hill Campground.

#### Arizona and California

##### Cibola National Wildlife Refuge

**Special Conditions:**

(1) Quail and cottontail rabbits may be taken.

(2) Arizona—quail and cottontail rabbits through February 15, 1982. California—quail through January 31, 1982.

(3) Hunting is prohibited within one-fourth mile of any occupied dwelling, 250 yards of any farm worker, or within 50 yards of any road or levee.

(4) Pits or permanent blinds may not be built.

(5) Only shotguns may be used to take quail and cottontail rabbits.

(6) Possession of all handguns and all .22 caliber rimfire firearms is prohibited.

(7) No more than two (2) dogs per hunter are permitted for upland game hunting.

##### Havasas National Wildlife Refuge

**Special Conditions:**

(1) Quail, cottontail rabbits, and jackrabbits may be taken.

(2) Arizona—quail and cottontail rabbits and jackrabbits through February 15, 1982. California—quail through January 31, 1982; cottontail rabbits and jackrabbits through January 31, 1982.

(3) Hunting is prohibited within one-fourth mile of any occupied dwelling or concession operation.

(4) Shotguns only are permitted.

(5) Two dogs per hunter are allowed for upland game hunting only. Neither hunters nor dogs may enter closed areas to retrieve game.

(6) Hunters must enter the Topock Marsh and Pintail Slough hunting areas by way of parking lots only.

(7) The portion of Topock Marsh known as Pintail Slough Management Unit will be open to hunting only on Fridays, Saturdays, and Sundays. This unit comprises all refuge land north of the north dike.

(8) The open portion of the Bill Williams Unit is all refuge land south of the Planet Ranch Road.

(9) Firearms are prohibited on observation towers.

#### *Imperial National Wildlife Refuge*

##### Special Conditions:

(1) Arizona—quail through February 15, 1982; cottontail rabbits through February 15, 1982. California—cottontail rabbits through March 1, 1982; quail through January 31, 1982.

(2) Quail and rabbits may be taken with shotguns only.

(3) Possession of .22 caliber rimfire firearms is prohibited.

(4) Up to two (2) dogs per hunter may be used for the purpose of hunting upland game.

#### **New Mexico**

#### *Bitter Lake National Wildlife Refuge*

##### Special Conditions:

(1) Quail, ring-necked and white-winged pheasants, and cottontail rabbits, may be taken in accordance with State regulations and special refuge regulations.

(2) Steel (iron) shotgun ammunition only may be used for the taking of pheasants, quail, and rabbits on the South Refuge Unit (Area C) during any waterfowl season. Possession of shotgun ammunition other than loaded with steel (iron) shot is prohibited in this unit during waterfowl seasons.

#### *Bosque del Apache National Wildlife Refuge*

##### Special Conditions:

(1) Quail and rabbits may be taken.  
(2) Rabbits may be taken on the refuge only on those areas designated by sign

and delineated on maps through January 31, 1982, and quail in accordance with New Mexico State regulations.

(3) The refuge is open to public access from one-half hour before sunrise to one-half hour after sunset only.

(4) Shotguns, bows and arrows, and .22 caliber weapons may be used for rabbits, except .22 caliber weapons may not be used from the railroad tracks west to the power lines and from the low-flow channel east to the pipeline.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulation, Part 32.

(16 U.S.C. 460k, 16 U.S.C. 668dd)

Dated: December 10, 1981.

**G. Ray Arnett,**

*Assistant Secretary, Fish and Wildlife and Parks.*

[FR Doc. 82-947 Filed 1-9-82; 8:45 am]

**BILLING CODE 4310-55-M**

#### **50 CFR Part 32**

#### **Hunting; National Wildlife Refuges in Arkansas, Louisiana, and Mississippi.**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Special regulations.

**SUMMARY:** It has been determined that the opening to hunting of certain National Wildlife Refuges in Arkansas, Louisiana, and Mississippi is compatible with the objectives for which the areas were established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public. In addition, managed big game hunts are designed to keep population levels compatible with habitat capabilities. This document establishes special regulations effective for the upcoming hunting seasons for certain upland game and big game species.

**EFFECTIVE DATES:** January 11, 1982 to May 30, 1982.

##### **FOR FURTHER INFORMATION CONTACT:**

The Area Manager or appropriate refuge manager at the address or telephone number listed below:

Gary Hickman, Area Manager, U.S. Fish and Wildlife Service, 200 E. Pascagoula St., Suite 300, Jackson, Mississippi 39201, Telephone (601) 960-4900

George Chandler, Refuge Manager, Mathews Brake National Wildlife Refuge, P.O. Box 107, Yazoo City, Mississippi 39194, Telephone (601) 746-8511

Robert Bridges, Refuge Manager, Overflow National Wildlife Refuge, P.O. Box 279, Crossett, Arkansas 71635, Telephone (504) 364-8700  
Daniel Tabberer, Refuge Manager, Bogue Chitto National Wildlife Refuge, 1010 Gause Blvd., Building 936, Slidell, Louisiana 70458, Telephone (504) 643-5817

**SUPPLEMENTARY INFORMATION:** The author of this document is Alton Dunaway, Jackson Area Office, 200 E. Pascagoula St., Suite 300, Jackson, Mississippi 39201, (601) 960-4905.

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the areas were established. In addition, the Refuge Recreation Act requires: (a) That any recreational use permitted will not interfere with the primary purpose for which an area was established; and (b) that funds are available for the development, operation, and maintenance of the permitted forms of recreation. The recreational use authorized by these regulations will not interfere with the primary purposes for which these refuges were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

Because of the time limitation involved to coordinate the State and Federal hunting regulations, and because of the rapid approach of the hunting season, the U.S. Department of the Interior has concluded that "good cause" exists within the meaning of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act to expedite the implementation of these special regulations. Therefore, the effective date is January 11, 1982.

The Fish and Wildlife Service has determined that this rulemaking is not a "major rule" within the meaning of Executive Order 12291 (46 FR 13193), and that the rulemaking would not have "significant economic effect on a substantial number of small entities" within the meaning of the Regulatory Flexibility Act (Pub. L. 96-354).

**General Conditions:** Hunting is permitted on National Wildlife Refuges indicated below in accordance with 50 CFR Part 32, all applicable State

regulations, the general conditions, and the following special regulations:

1. A list of special conditions applying to individual refuge hunts and a map of the hunt area(s) are available at each refuge headquarters. Portions of refuges which are closed to hunting are designated by signs and/or delineated on maps.

2. Unless otherwise specified, dogs are not permitted on refuge areas.

**§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.**

**Arkansas**

*Overflow National Wildlife Refuge*

(1) Squirrel may be hunted through January 30 refuge-wide, except closed during deer muzzleloader hunts. Steel shot required during waterfowl hunts.

(2) Rabbit and beaver through February 28 refuge-wide, except closed during deer muzzleloader hunts.

(3) Raccoons may be hunted the first three nights of the State season and four consecutive nights starting on the night following closure of the State waterfowl season. Hunting hours are 4:00 p.m. to 7:00 a.m., open refuge-wide. No more than two dogs per hunter and four dogs per party are permitted.

(4) All firearms being transported in vehicles or boats must be empty and cased or dismantled.

**Louisiana**

*Bogue Chitto National Wildlife Refuge*

(1) Squirrel—State season.

(2) Rabbit—State season. Beagles allowed only after the last deer season.

(3) Raccoon and opossum—from end of State deer season through last day of February. Only recognized breeds of 'coon dogs permitted.

**Mississippi**

*Mathews Brake National Wildlife Refuge*

(1) Rabbits may be hunted same as State season, but no dogs will be allowed until after January 31, 1982.

(2) Raccoon and opossum season will be the same as the State season except the refuge season will be closed after the opening of the State deer-dog hunting season.

(3) Beaver may be taken incidental to other species bagged.

(4) Squirrel will be the same as State season.

**§ 32.32 Special regulations; big game; for individual wildlife refuges.**

**Arkansas**

*Overflow National Wildlife Refuge*

(1) Deer—State archery, muzzleloader,

and regular gun season, refuge-wide. Coyote may be taken as an incidental species.

(2) Only portable stands permitted.

(3) Driving deer is prohibited.

**Louisiana**

*Bogue Chitto National Wildlife Refuge*

(1) Deer—State archery and gun seasons.

(2) Only portable stands permitted.

(3) Driving deer is prohibited.

**Mississippi**

*Mathews Brake National Wildlife Refuge*

(1) Archery deer hunt: the season shall be the same as the State season.

(2) The use of any drug on arrows is prohibited. Bow hunters may not have arrows employing drugs or drug holding devices in their possession.

(3) Sunday hunting is prohibited.

(16 U.S.C. 460k, 16 U.S.C. 668dd)

Dated: December 10, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 82-649 Filed 1-8-82; 8:45 am]

BILLING CODE 4310-55-M

# Proposed Rules

Federal Register

Vol. 47, No. 6

Monday, January 11, 1982

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

## DEPARTMENT OF ENERGY

### Economic Regulatory Administration

#### 10 CFR Part 317

[Docket No. ERA-R-81-11]

#### Priority Delivery of Coal Under Department of Defense Contracts

**AGENCY:** Economic Regulatory Administration DOE.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) is hereby giving notice of its proposal to remove 10 CFR Part 317 (Part 317), which establishes procedures implementing the coal supply allocation authority of section 101 of the Defense Production Act of 1950, 50 U.S.C. App. section 2071 *et seq.* (DPA).

The proposed removal is part of DOE's regulatory reform program and is based upon ERA's determination that (1) Part 317 would be of only limited usefulness in the event of an emergency requiring allocation of coal among users in the interest of national defense; and (2) that allocation of coal under Part 317 would be less effective than emergency ad hoc operations conducted directly under the DPA statutory provisions.

**DATE:** Comment on the proposed removal must be received no later than February 10, 1982. Any person wishing to comment should send 10 copies to: Economic Regulatory Administration, Office of Fuels Programs, Department of Energy, Room 6114, 2000 M Street, NW., Washington, D.C. 20461.

Comments and the envelopes in which they are transmitted should be marked "Proposed Rulemaking—Docket No. ERA-R-81-11."

#### FOR FURTHER INFORMATION CONTACT:

Jack Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, 12th and Pennsylvania

Avenue, NW., Federal Office Building, Room 7120, Washington, D.C. 20461, (202) 633-9451

Robert L. Davies, Office of Fuels Programs, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Room 6128, Washington, D.C. 20461, (202) 653-3372

Marya Rowan, Office of the General Counsel, Department of Energy, Room 6B-178, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-2967

**SUPPLEMENTARY INFORMATION:** Under the authority of section 101 of the DPA and Executive Order 11790 delegating the DPA presidential coal allocation authority to the Secretary of Energy, 39 FR 23185 (June 27, 1974), ERA can (1) Issue priority ratings requiring DOD coal contractors and other defense-related coal contractors to meet their national defense contractual obligations before supplying their other customers; and, if necessary, mandate coal sales for defense purposes by firms who refuse to contract in accordance with a priority rating; (2) order the priority delivery of coal to defense contractors where such delivery is necessary to assure the performance of their contracts which have previously been given priority ratings by the Department of Commerce; and (3) allocate coal throughout the entire civilian market when certain conditions are met.

Part 317, entitled "Priority Delivery of Coal Under Department of Defense Contracts," was designed to implement a portion of ERA's authority under section 101 of the DPA. However, the Part is limited in scope to establishing the procedures for the priority supply of DOD coal requirements and does not implement the other authorities provided by section 101, including the authority to meet the coal supply requirements of non-DOD defense agencies and defense contractors. In a situation requiring ERA's exercise of those other authorities, recourse to ad hoc operations for coal allocation to parties other than DOD would be required. Furthermore, the DOD priority delivery procedures do not administratively enhance ERA's ability to implement its DPA authorities since ERA may act, as necessary, to promote the national defense directly under the

statute and Executive Order, without resort to the regulations. For these reasons, ERA proposes the removal of Part 317.

#### Procedural Matters

##### A. Written Comments

Interested persons are invited to submit written comments on any issues raised by the proposed removal of Part 317 to ERA at the address given above, no later than February 10, 1982. All comments received will be available for public inspection at the ERA Office of Public Information, Room 7120, 12th and Pennsylvania Avenue, NW., Federal Office Building, Washington, D.C. 20461, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

Any interested party who wishes to submit confidential information or data must comply with DOE's Freedom of Information Regulations, 10 CFR Part 1004. The agency reserves the right to determine the confidential status of the information or data so submitted and to treat it according to this determination.

##### B. NEPA Compliance

DOE has determined that the proposed removal of Part 317 would not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA). Since ERA can act to promote the national defense, exercising its same authority under section 101 of the DPA regardless of the presence or absence of Part 317, the removal of Part 317 will have no impact upon ERA's exercise of the DPA authority, when such action is required. Therefore, the preparation of an Environmental Impact Statement assessing the impact of alternatives to this proposal is not required.

##### C. Executive Order No. 12291

Section 3(b) of Executive Order No. 12291 directs each agency to initially determine whether an action it proposes constitutes a major rule.

ERA has determined that the proposed removal of Part 317 is a non-major rule as it would not result in (1) An annual effect on the economy of \$100 million or more; (2) a major increase in costs or prices for consumers; individual industries; Federal, state, or local

government agencies; or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

In reaching this determination, ERA also considered that the procedures in Part 317 do not affect its authority or ability to take necessary coal allocation actions under section 101 of the DPA and Executive Order 11790, and that, accordingly, the proposed removal of the Part would have no effect, either positive or negative, on any sector of the economy.

#### D. Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, requires that an agency shall prepare a regulatory flexibility analysis with regard to a proposed rule that will have a significant economic impact on a substantial number of small entities.

For the reasons discussed in paragraph C, above, DOE certifies that the rule removing Part 317, if promulgated, would not have a significant economic impact on a substantial number of small entities.

#### E. Paperwork Reduction Act

No data collection or reports would be required as a result of this rulemaking; therefore, clearance of ERA's proposed action by the Office of Management and Budget under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* is not required.

(Defense Production Act of 1950, 50 U.S.C. App. 2071 *et seq.*; Department of Energy Organization Act, Pub. L. 95-91, 42 U.S.C. 7101 *et seq.*; E.O. 11790, 39 FR 23185 (June 27, 1974); E.O. 12038, 43 FR 4957 (February 7, 1978))

Issued in Washington, D.C., January 4, 1982.

Rayburn Hanzlik,

Administrator, Economic Regulatory Administration.

### PART 317—PRIORITY DELIVERY OF COAL UNDER DEPARTMENT OF DEFENSE CONTRACTS [REMOVED]

For the reasons set out in the preamble, it is proposed that Chapter II, Title 10 of the Code of Federal Regulations be amended by removing Part 317.

[FR Doc. 82-852 Filed 1-6-82; 8:45 am]

BILLING CODE 6450-01-M

### PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

#### 10 CFR Ch. XVI

#### Fish and Wildlife Program; Columbia River Basin

**AGENCY:** Pacific Northwest Electric Power and Conservation Planning Council.

**ACTION:** Notice and request for comments on recommendations.

**SUMMARY:** The Council hereby announces the availability of copies of recommendations for a Columbia River Basin fish and wildlife program and seeks oral and written comments on those recommendations. The Council will use the recommendations and supporting documents, as well as the views and information it receives during this initial comment period, to draft a program to protect, mitigate, and enhance fish and wildlife, including related spawning grounds and habitat, affected by the development, operation, and management of hydroelectric facilities on the Columbia River and its tributaries. The Council will provide a second comment period once it has developed a draft program.

**DATES:** Copies of program recommendations and supporting documents will be available January 11, 1982; copies of a summary listing of all recommendations will be available by January 15, 1982; comments must be received on or before April 1, 1982; requests to present oral testimony should be made at least three weekdays before the hearing at which a time slot is requested. Hearings are scheduled as follows:

1. March 15, 1982, 8:30 a.m.—5 p.m. and 7–10 p.m., Portland, OR
2. March 16, 1982, 8:30 a.m.—5 p.m. and 7–10 p.m., Portland, OR
3. March 18, 1982, 8:30 a.m.—5 p.m. and 7–10 p.m., Yakima Reservation, WA
4. March 23, 1982, 8:30 a.m.—5 p.m. and 7–10 p.m., Boise, ID
5. March 26, 1982, 8:30 a.m.—5 p.m. and 7–10 p.m., Missoula, MT

**ADDRESSES:** Program recommendations are available for public inspection and copying between 9 a.m. and 4 p.m. weekdays in the Council's central office public reading room, Suite 200, 700 Southwest Taylor Street, Portland, Oregon, and in the Council's state offices and Bonneville Power Administration area and district offices at the addresses listed in the Supplementary Information section, below. Copies of complete sets of recommendations and supporting

documents and of a summary listing of all recommendations may be ordered by writing Torian Donohoe, Suite 200, 700 Southwest Taylor Street, Portland, Oregon 97205. Comments on the recommendations must be delivered or mailed to Suite 200, 700 Southwest Taylor Street, Portland, Oregon 97205. Comments received may be inspected and copied between 9 a.m. and 4 p.m. weekdays in the Council's public reading room, Suite 200, 700 Southwest Taylor Street, Portland, Oregon. Hearings on the recommendations will be held at the following locations:

1. March 15, 1982—Pavilion, Hilton Hotel, 921 Southwest Sixth, Portland, Oregon.
2. March 16, 1982—Pavilion, Hilton Hotel, 921 Southwest Sixth, Portland, Oregon.
3. March 18, 1982—Eagle-Seelatsee Auditorium, Yakima Indian Nation Tribal Headquarters, Fort Road, Toppenish, Washington.
4. March 23, 1982—Conference Room, Idaho Department of Fish and Game, 600 South Walnut, Boise, Idaho.
5. March 26, 1982—Blackfoot Room, Village Red Lion Motel Inn, 100 Madison, Missoula, Montana.

**FOR FURTHER INFORMATION CONTACT:** Torian Donohoe, 503-222-5161.

#### SUPPLEMENTARY INFORMATION:

##### Background

By passage of the Pacific Northwest Electric Power Planning and Conservation Act, Pub. L. 96-501, 94 Stat. 2697, 16 U.S.C. 839 *et seq.* ("the Act"), Congress provided for the establishment of the Pacific Northwest Electric Power and Conservation Planning Council ("the Council"), a regional agency composed of two gubernatorial appointees each from the states of Idaho, Montana, Oregon and Washington. Congress charged the Council with two major responsibilities: (1) Preparation of a program to protect, mitigate, and enhance fish and wildlife, including related spawning grounds and habitat, affected by the development, operation, and management of hydroelectric facilities on the Columbia River and its tributaries; and, (2) Development of a conservation and electric power plan for the Pacific Northwest. The Council must adopt its fish and wildlife program first and thereafter incorporate that program into its conservation and electric power plan.

The Council initiated the statutory process for development of its fish and wildlife program on June 26, 1981 when it adopted a motion asking for recommendations for: (1) Measures

which can be expected to be implemented by the Bonneville Power Administration and other federal agencies to protect, mitigate, and enhance fish and wildlife, including related spawning grounds and habitat, affected by the development and operation of hydroelectric facilities on the Columbia River and its tributaries; (2) Objectives for the development and operation of hydroelectric facilities on the Columbia River and its tributaries in a manner designed to protect, mitigate, and enhance fish and wildlife; and, (3) Fish and wildlife management coordination, research, and development activities, including funding, which would assist protection, mitigation, and enhancement of anadromous fish at and between the region's hydroelectric dams. As provided in the Act, the Council issued its request for recommendations to federal and state fish and wildlife agencies, appropriate Indian tribes, federal and regional water management and electric power producing agencies, Bonneville Power Administration customers, and members of the public. The Council asked for submission of such recommendations by November 15, 1981.

In response to its request, the Council received more than 2200 pages of recommendations and supporting documents. Entities submitting recommendations were: Bonneville Power Administration; Columbia River Inter-Tribal Fish Commission; Confederated Salish and Kootenai Tribes; Confederated Tribes and Bands of the Yakima Indian Nation; Idaho Department of Fish and Game; Montana Department of Fish, Wildlife and Parks; National Marine Fisheries Service; Oregon Department of Fish and Wildlife; Oregon Water Policy Review Board; Pacific Northwest Utilities Conference Committee; U.S. Environmental Protection Agency—Region X; U.S. Fish and Wildlife Service; Washington Department of Ecology; Washington Department of Fisheries, and Washington Department of Game.

#### Availability

The Act requires the Council to give public notice of receipt of recommendations for its fish and wildlife program and to make the recommendations and supporting documents available to the Bonneville Power Administrator; federal and state fish and wildlife agencies; appropriate Indian tribes; federal agencies responsible for managing, operating or regulating hydroelectric facilities on the Columbia River or its tributaries; Bonneville Power Administration

customers, and other electric utilities which own or operate hydroelectric facilities on the Columbia River or its tributaries. The Act further requires the Council to make copies of the recommendations and supporting documents available for review and reproduction at a reasonable cost. The Council hereby gives notice that the fish and wildlife program recommendations and supporting documents will be available for inspection and copying starting January 11, 1982, between the hours of 9 a.m. and 4 p.m. weekdays, in the Council's central office public reading room, Suite 200, 700 Southwest Taylor Street, Portland, Oregon. Copies of the program recommendations also are available for public inspection at the Council's state offices and Bonneville Power Administration area and district offices at the following addresses:

#### Council State Offices

Towers Building, 3rd Floor, Boise, Idaho  
155 Cottage Street Northeast, Salem, Oregon  
Old Board of Health Building, 1301  
Lockey, Helena, Montana  
Washington State Energy Office, 400  
East Union, Olympia, Washington

#### Bonneville Power Administration Offices

Suite 288, 1500 Plaza Building, 1500  
Northeast Irving Street, Portland,  
Oregon  
Room 206, Federal Building, 211 East  
Seventh Street, Eugene, Oregon  
Suite 117, Morris Building, 23 South  
Wenatchee Avenue, Wenatchee,  
Washington  
1620 Regent, Missoula, Montana  
Room 561, United States Courthouse,  
West 920 Riverside Avenue, Spokane,  
Washington  
West 101 Poplar, Walla Walla,  
Washington  
Highway 2 District Office, Kalispell,  
Montana  
531 Lomax Street, Idaho Falls, Idaho

Copies of the complete set of recommendations and supporting documents and of a summary listing of all recommendations may be ordered by writing to Torian Donohoe, Suite 200, 700 Southwest Taylor Street, Portland, Oregon 97205. Orders also may be placed by calling Ms. Donohoe at 503-222-5161.

#### Comments

The Act directs the Council to provide the public with an opportunity to submit written and oral comments on the fish and wildlife program recommendations and supporting documents. The Council hereby opens a public comment period on the recommendations and supporting

documents. Written comments may be submitted to the Council at any time between now and 5 p.m. on Thursday, April 1, 1982. Such comments must be mailed or otherwise delivered to the Council at Suite 200, 700 Southwest Taylor Street, Portland, Oregon 97205. Commenters should indicate the document title and page number of the recommendation or supporting materials on which they are commenting. It also would be helpful if commenters would submit at least two copies of each set of comments. Copies of all comments received will be placed in the Council's official administrative record and its central office public reading room file. Comments received may be inspected and copied between the hours of 9 a.m. and 4 p.m. weekdays in the Council's reading room at Suite 200, 700 Southwest Taylor Street, Portland, Oregon.

The Council will provide opportunities to make oral comments on the recommendations and supporting documents during a total of five days of public hearings in four states. The hearings are scheduled as follows: (1) March 15, 1982, 8:30 a.m. to 5 p.m. and 7 p.m. to 10 p.m., Pavilion, Hilton Hotel, 921 Southwest Sixth, Portland, Oregon; (2) March 16, 1982, 8:30 a.m. to 5 p.m. and 7 p.m. to 10 p.m., Pavilion, Hilton Hotel, 921 Southwest Sixth, Portland, Oregon; (3) March 18, 1982, 8:30 a.m. to 5 p.m. and 7 p.m. to 10 p.m., Eagle Seelatssee Auditorium, Yakima Indian Nation Tribal Headquarters, Fort Road, Toppenish, Washington; (4) March 23, 1982, 8:30 to 5 p.m. and 7 p.m. to 10 p.m., Conference Room, Idaho Department of Fish and Game, 600 South Walnut, Boise, Idaho, and (5) March 26, 1982, 8:30 a.m. to 5 p.m. and 7 p.m. to 10 p.m., Blackfoot Room, Village Red Lion Motor Inn, 100 Madison, Missoula, Montana.

Each hearing will be conducted by a hearing examiner. Each speaker will be allowed to speak for 10 minutes. No opportunity will be provided for rebuttal or cross-examination. The Council encourages speakers to use their oral comment time to summarize more extensive written comments. Those persons who wish to reserve a time slot for speaking at one of the public hearings should call Torian Donohoe at the Council offices, (503) 222-5161, at least three weekdays prior to the public hearing at which time a slot is sought. A transcript will be made of each hearing and copies of each transcript will be made a part of the Council's administrative record and central office public reading room file.

## Issues

The Act contains an extensive list of issues which the council must consider in its development of the fish and wildlife program. To that end, the Council would appreciate comments which address the following questions:

1. *Systemwide Approach:* Would the recommended measure, objective, or other activity fit into a fish and wildlife program which addresses the Columbia River and its tributaries "as a system"? Sec. 4(h)(1) (A), (B).

2. *Implementation authority:* Could the recommended measure be expected to be implemented by: (a) The Bonneville Power Administration, using authorities under the Northwest Power Act or other laws, or, (b) Other federal agencies? Sec. 4(h)(2)(A).

3. *Effect on Fish and Wildlife:* Is the recommended measure, objective, or other activity designed to help protect, mitigate, or enhance fish and wildlife, including related spawning grounds or habitat, affected by the development or operation of any hydroelectric project on the Columbia River or any of its tributaries? Sec. 4(h)(2) (A), (B), (C).

4. *Effect on Power Supply:* Could the recommended measure be implemented in a way that would assure an "adequate, efficient, economical, and reliable" power supply? Sec. 4(h)(5), (7)(A).

5. *Complementary Activities:* Would the recommended measure complement existing and future activities of federal and state fish and wildlife agencies and appropriate Indian tribes in the region? Sec. 4(h) (6)(A), (7)(B).

6. *Scientific Basis:* Is the recommended measure based on and supported by the best available scientific knowledge? Sec. 4(h) (6)(B), (7)(B).

7. *Biological Objective:* Is the recommended measure designed to achieve a sound biological objective? Sec. 4(h) (6)(C), (7)(B).

8. *Alternative Costs:* Is there an equally effective alternative measure which would achieve the same biological objective as the recommended measure? If so, which measure would result in the "minimum economic cost"? Sec. 4(h) (6)(C), (7)(B).

9. *Indian Rights:* Would the recommended measure be consistent with the legal rights of appropriate Indian tribes in the region? Sec. 4(h) (6)(D), (7)(B).

10. *Anadromous Fish Survival:* If the recommended measure relates to anadromous fish, would it help: (a) Improve survival of such fish at Columbia River Basin hydroelectric facilities, or (b) Provide flows of

sufficient quality and quantity between such facilities to improve production, migration, and survival of such fish as necessary to meet sound biological objectives? Sec. 4(h) (6)(E), (7)(B).

11. *Consistency with Purposes of the Act:* Is the recommended measure consistent with the purposes of the Act, as spelled out in Section 2? Sec. 4(h)(7).

12. *Consistency with Other Recommended Measures:* Is the recommended measure inconsistent with any other recommended measure? If so, how should the inconsistency be resolved? Sec. 4(h)(7).

13. *Effectiveness:* Would any other measure be more effective than the recommended measure in protecting, mitigating, and enhancing fish and wildlife? Sec. 4(h)(7)(C).

14. *Coordination with Additional Measures:* Does the recommended measure require coordination with additional measures, including enhancement measures, directed at impacts on fish and wildlife which are not caused by the development and operation of electric power facilities and programs? If so, how can such additional measures be implemented in accordance with agreements, among appropriate parties, providing for the administration and funding of such additional measures? Sec. 4(h)(8) (B), (C).

15. *Cost Allocation:* How can any monetary cost or electric power losses resulting from the recommended measure be allocated consistently with individual project impacts and systemwide objectives of the fish and wildlife program? Sec. 4(h)(8)(D).

16. *Savings Provisions:* How should the recommended measure be implemented so that rights and interests listed in Section 10 are protected in accordance with the Act?

Commenters need not address all these issues and may raise any other issues they consider pertinent.

### Recommending Entities

The Council invites those entities which submitted recommendations to use the comment period to provide additional information on their recommendations and to comment on the recommendations and supporting documents submitted by other entities.

### Program Development

At the close of this initial comment period the Council will draft a fish and wildlife program on the basis of the recommendations and supporting documents, as well as the views and information obtained through public comment and participation and consultation with federal and state fish

and wildlife agencies; appropriate Indian tribes; the Bonneville Power Administrator; federal agencies which manage, operate, or regulate Columbia River Basin hydroelectric facilities; Bonneville Power Administration customers, and other electric utilities which own or operate hydroelectric facilities in the Columbia River Basin. The Council will open a second public comment period once it has developed its draft program. It must adopt its program by November 15, 1982, one year after the deadline set by the Council for receipt of the fish and wildlife program recommendations. The fish and wildlife program will become part of the Council's regional conservation and electric power plan.

Questions concerning development of the fish and wildlife program may be addressed to Torian Donohoe, 503-222-5161, Suite 200, 700 Southwest Taylor Street, Portland, Oregon, 97205.

(Sec. 4, Pub. L. 96-501 (16 U.S.C. 839b))  
Edward Sheets,

Executive Director.

[FR Doc. 82-332 Filed 1-8-82; 8:45 am]

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 81-WE-22-AD]

#### Airworthiness Directives; Piccard Balloon Model AX-6 Balloon

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to adopt an Airworthiness Directive (AD) that would require certain fuel system modifications on Piccard Balloon Model AX-6 Balloons. The proposed AD is needed to prevent delay in fuel shut-off which could result in a fire in a forced landing condition.

**DATES:** Comments must be received on or before March 15, 1982.

**ADDRESSES:** Send comments on the proposal to: Department of Transportation, Federal Aviation Administration, Western-Pacific Region, Attention: Regional Counsel, Airworthiness Rule Docket P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009.

The applicable service information may be obtained from: General Balloon Corporation, Costa Mesa, California.

#### FOR FURTHER INFORMATION CONTACT:

Jerry Presba, Executive Secretary

Airworthiness, Directive Review Board, Federal Aviation Administration, Western-Pacific Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. (213) 536-6358.

#### SUPPLEMENTARY INFORMATION:

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Interested persons are also invited to comment on the economic, environmental and energy impact that might result because of adoption of the proposed rule. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

There has been a report of a forced landing situation in which the fuel shut-off rate provisions on the Piccard Balloon Model AX-6 contributed to a hazardous situation involving a fire. Since this condition is likely to exist or develop on other products of the same type design, the proposed AD will require modifications of the fuel system involving the incorporation of certain valves, and modification of the blast valve handle shape to prevent entanglement and inadvertent operation on Piccard Balloon Model AX-6 Balloons.

#### Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

**Piccard Balloon:** Applies to Model AX-6 series hot air balloons certificated in all categories. Compliance required within the next thirty hours' time in service after the effective date of this AD, unless already accomplished.

To prevent slow operation of fuel shut off during emergency conditions, accomplish the following:

(a) Modify the burner and fuel system to incorporate a P/N PSP 705 quick shut-off valve at the fuel tank, and a shut-off valve

P/N PSP 706 on the pilot light system at the burner plate in accordance with General Balloon Corporation Drawing No. 8200-A, dated September 28, 1981, and General Balloon Corporation Service Letter No. 8, dated December 4, 1981.

(b) Install blast valve handle P/N PSP 608 and Return Spring PSP 607 in place of blast valve handle P/N SO41-7 per General Balloon Corporation Service Letter No. 8, dated December 4, 1981 and Drawing 8200-A, dated September 28, 1981.

(c) Alternative inspections, modifications or other actions which provide an equivalent level of safety may be used when approved by the Chief, Engineering and Manufacturing Branch, FAA Western-Pacific Region.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85)

**Note.**—The Federal Aviation Administration has determined that this document is not significant in accordance with the criteria required by Executive Order 12044 and set forth in interim Department of Transportation Guidelines.

Issued in Los Angeles, California on December 21, 1981.

H. C. McClure,

Director, FAA Western-Pacific Region.

[FR Doc. 82-839 Filed 1-8-82; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 39

[Docket No. 81-NE-21]

#### Airworthiness Directives; Air Cruisers Company Life Rafts

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to adopt an Airworthiness Directive (AD) that will require modifications and a revised packing procedure for Air Cruisers Company life rafts, P/N D23835-403, S/N 8624978 through 9925181. The proposal is prompted by reports of a pull force, in excess of 30 lbs., required to actuate the gas release mechanism. Failure to inflate could result in possible loss of life under emergency ditching conditions.

**DATE:** Comments must be received on or before January 29, 1982.

**ADDRESSES:** Send comments on the proposal in duplicate to: Federal Aviation Administration, New England Region, Office of Regional Counsel, Attention: Rules Docket (ANE-7), Docket No. 81-NE-21, 12 New England Executive Park, Burlington, Massachusetts 01803.

The applicable service bulletin may be obtained from: Air Cruisers Company, P.O. Box 180, Belmar, New Jersey 07719.

A copy of the service bulletin is contained in the Rules Docket, Office of the Regional Counsel, 12 New England Executive Park, Burlington, Massachusetts.

#### FOR FURTHER INFORMATION CONTACT:

Kenneth Tunjian, Systems and Equipment Section (AEA-213), Engineering and Manufacturing Branch, Federal Aviation Administration, Eastern Region, JFK International Airport, Jamaica, New York 11430; telephone: (212) 995-3372.

#### SUPPLEMENTARY INFORMATION:

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket, for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

Several reports have been received of a pull force in excess of the 30 lbs. Technical Standard Order (TSO) requirement to activate the gas release mechanism. These incidents occurred during one airline's functional testing of the rafts. Subsequent investigation of the raft pack revealed that the increased pull force was due to the tightness of the raft pack and drag loads between the cables and adjacent raft and lacing cover fabric. Failure to inflate could result in possible loss of life under emergency ditching conditions. Since this condition is likely to exist or develop on other life rafts of the same type design, the proposed AD would require modifications and a revised packing procedure for all Air Cruisers Company life rafts, P/N D23835-403, S/N 8624978 through 9925181.

#### The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation

Regulations (14 CFR 39.13) by adding the following new AD:

**Air Cruisers Company.** Applies to life rafts P/N D23835-403, S/N 8624978 through 9925181. Compliance required within 60 days after the effective date of this AD, unless already accomplished.

To prevent the need for excessive pull force to activate the gas release mechanism, accomplish the modifications described in paragraph 2 of Air Cruisers Company Service Bulletin 111-81-1, dated July 24, 1981.

An equivalent method of compliance may be approved upon request to the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Eastern Region, JFK International Airport, Jamaica, New York 11430.

Upon submission of substantiating data by an owner or operator through an FAA Maintenance Inspector, the compliance time of this AD may be adjusted by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Eastern Region, JFK International Airport, Jamaica, New York 11430.

The manufacturer's Service Bulletin identified and described in this directive is incorporated herein and made a part thereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received this document from the manufacturer may obtain copies upon request to Air Cruisers Company, P.O. 180, Belmar, New Jersey 07719. This document may also be examined at Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts.

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

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

Issued in Burlington, Massachusetts, on December 28, 1981.

**Robert E. Whittington,**  
*Director, New England Region.*

[FR Doc. 81-450 Filed 1-8-82; 8:45 am]

**BILLING CODE 4910-13-M**

#### 14 CFR Part 39

[Docket No. 81-NW-24-AD]

#### **Airworthiness Directive; Boeing Model 727 Airplanes Using Decoto Leading Edge Actuators, P/N 10-61792-1, -2, -4, -5, -6, -7, or -8**

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

**ACTION:** Notice of proposed rulemaking; extension of comment period.

**SUMMARY:** This document further extends the comment period for a Notice of Proposed Rulemaking issued on July 13, 1981 (46 FR 35933). That NPRM would require repetitive inspection or removal of the Decoto leading edge actuators listed above.

**DATES:** The comment period for this NPRM is hereby further extended from November 30, 1981, to March 31, 1982.

**ADDRESS:** Send comments on the proposed rule in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket, Docket No. 81-NW-24-AD, 9010 East Marginal Way South, Seattle, Washington 98108.

**FOR FURTHER INFORMATION CONTACT:** Mr. Gary D. Lium, Systems and Equipment Branch, ANM-130S, Seattle Area Aircraft Certification Office, FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2500.

**SUPPLEMENTARY INFORMATION:** Notice of Proposed Rulemaking (NPRM), Docket No. 81-NW-24-AD, was published in the *Federal Register* on July 13, 1981 (46 FR 35933). This proposed rule would require repetitive inspection or replacement of the Decoto leading edge actuators listed above.

The original comment period was extended from September 18, 1981 to November 30, 1981, because the Boeing service bulletin listed in the NPRM was not available early enough to allow for review prior to the end of the comment period. Just prior to November 30, 1981, The Boeing Company stated that they had begun additional laboratory testing of the actuator. The purpose of the testing is to determine if an alternate method of detecting the serviceability of the piston could be found, which might preclude the necessity of fleetwide removal and replacement of the actuator pistons upon accumulation of a certain number of landings. In addition, testing is in progress to determine if machining a new radius in the affected area of the piston would increase service life. The Boeing Company estimates that this

testing will be complete approximately mid-February 1982.

Boeing submitted data which show that the likelihood of a piston developing fatigue cracks of any consequence prior to the accumulation of 30,000 landings is small, and that no 727 airplane using Decoto actuators will accumulate 30,000 landings prior to August 1982. For these reasons the comment period for this NPRM may be extended until March 31, 1982 without compromising safety.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85).

**Note.**—Since this action merely extends the time period for public comment on a Notice of Proposed Rulemaking and imposes no additional burden on any person, it may be made effective in less than 30 days. It is neither a proposed nor final rule and, therefore, is not subject to Executive Order 12291, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (47 FR 11031; February 26, 1979).

Issued in Seattle, Washington on December 31, 1981.

**Robert O. Brown,**  
*Acting Director, Northwest Mountain Region.*

[FR Doc. 82-449 Filed 1-8-82; 8:45 am]

**BILLING CODE 4910-13-M**

#### 14 CFR Part 39

[Docket No. 81-NW-17-AD]

#### **Airworthiness Directives; Boeing Model 707/720 Series Airplanes**

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This notice proposes a new Airworthiness Directive (AD) which would require inspection, and repair as necessary, of certain significant structural items on high time Boeing 707/720 series airplanes. Service experience and application on state-of-the-art analytical techniques and tests indicate the airplane structure in these areas is cracking and if undetected, may result in failure to sustain limit loads. Boeing Document D6-44860 "Supplemental Structural Inspection Document for High Time Model 707/720 Aircraft" and FAA Advisory Circular (AC) 91-56, dated May 6, 1981, "Supplemental Structural Inspection Program for Large Transport Category Airplanes," also relate to this action.

**DATE:** Comments must be received on or before February 12, 1982.

**ADDRESS:** Send comments on the proposal in duplicate to: Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, Attention: Rules Docket No. 81-NW-AD, 9010 East Marginal Way South, Seattle, Washington 98108.

**FOR FURTHER INFORMATION CONTACT:** Mr. R. D. Anderson, Airframe Branch, ANM-120S, Seattle Area Aircraft Certification Office, FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, 98108, telephone (206) 767-2516.

#### Comments Invited

##### **SUPPLEMENTARY INFORMATION:**

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA public contact concerned with the substance of the proposed AD will be filed in the Rules Docket.

#### Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket, Docket No. 81-NW-17-AD, 9010 East Marginal Way South, Seattle, Washington 98108.

#### Discussion

The Boeing Supplement Inspection Document (SID) was developed by the manufacturer with the aid of several 707/720 operators. The detail inspection items contained in the document have been determined to be structurally significant by test, analysis, or service experience and are designated Significant Structural Details (SSDs) because they involve structure which contributes significantly to carrying flight, ground or pressure loads whose fracture could affect the structural integrity of the aircraft. SSDs are divided into two categories: those which are not covered by Service Bulletins (predictive) and those which are

covered (service related). These detail inspections, when used to supplement an existing approved maintenance program, aid in maintaining the damage tolerance of the structure of inservice aircraft in the presence of aging effects such as fatigue and corrosion to the limit of the aircraft's economic usefulness. Certain items from only the service-related category are included in this proposal.

In establishing the total list of SSDs, Boeing used advanced analysis techniques not available during the original design of the 707/720 aircraft. This analysis revealed that certain details now require increased emphasis in the maintenance program of operators. The specific inspection requirements designated are based on analysis of minimum detectable size and growth characteristics of cracks and residual strength of the damaged structure. Some details were found to require the application of special inspection techniques to ensure the damage tolerance of the design.

After compiling the SSDs, Boeing reviewed all structural Service Bulletins to determine if they were in the structural area identified as an SSD. Those Service Bulletins so identified are listed with the SSD and have been included in the SID to emphasize their significant contribution to continued aircraft integrity.

The initial inspection periods for these items have been established by actual service experience. Operators must carefully review the supplementary inspection instructions contained on each SSD referencing a Service Bulletin, even though the Service Bulletin has been accomplished. In some cases, the modification recommended in the Service Bulletin is a terminating action, and no further supplemental inspection is required. Other items specify the incorporation of the Service Bulletin as the point for starting the count to identify when the initial inspection period should commence. Still others recommend the inspection of selected adjacent structure based upon analysis and experience gained from accomplishment of the Service Bulletin. There are combinations of these situations and also minor additional variations to the stated situations which are covered in detail as required on the SSDs referencing Service Bulletins.

The FAA issued AC 91-56 to provide guidelines to manufacturers in the development of SIDs and to enable operators to amend their current structural inspection programs to comply with and account for the applicable SID. Each operator's amendment of its program will be evaluated on an individual basis.

As AC 91-56 states, portions of a SID which the FAA finds to be both applicable to all operators and of safety concern, as a result of a demonstrated safety problem, will be made mandatory under the existing Airworthiness Directive (AD) system.

Pending the completion of the evaluation process for SID implementation through amendment of operators' inspection programs, the FAA has determined that certain portions of the Boeing 707/720 SID should be implemented by AD Action.

The items implemented by this proposal have been selected for the following reasons:

A. Failure of the aft fin terminal fittings may result in loss of the vertical tail with attendant loss of directional control during critical flight maneuvers. (Item 53-AX5-11);

B. Failure of the rudder actuator support fittings may result in loss or degradation in directional control capability required in critical flight regimes such as takeoff and landing. (Item 55-AX5-04); and

C. Cracks in the inboard wing lower surface, inboard lower rear spar, wing station 360 splice, and lower "beavertail" joint, if left undetected, could result in failure of the wing to sustain limit loads (Items 57-AX5-05, -06, 07, -09, and -10).

It is estimated that 279 airplanes of the U.S. Registry will be affected by this AD, that it will take approximately 630 man hours per airplane to accomplish the initial inspections, and that the average labor cost will be \$22,000 per airplane, for a total impact of approximately \$6,000,000.

#### The Proposed Amendment

Accordingly, the Federal Aviation Administration (FAA) proposes to amend § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive (AD):

**Boeing:** All 707/720 series airplanes certificated in all categories. To assure the continuing structural integrity of these aircraft, accomplish the following:

A. Within 90 days after the effective date of this amendment, unless already accomplished, incorporate in the FAA-approved maintenance inspection program a revision which requires inspections, and repair as necessary, of the significant structural details (SSDs) listed in Table I below, as extracted from Boeing Document D6-44860, "Supplemental Structural Inspection Document for High Time Model 707-720 Aircraft," as revised through Revision J, dated June 30, 1981, or later revisions approved by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Mountain Region.

TABLE I

SSD	Title	Effectivity—Model Series				
		720	707	707	707	707
			100/200	300/400	300B	300C
53-A(X)5-11	Aft Fin Terminal Fitting Attachment Holes B.S.1505	X	X	X	X	X
55-A(X)5-04	Rudder Actuator Support Fitting	X	X	X	X	X
57-A(X)5-05	Wing Rear Spar Lower Chord, Web, Terminal Fitting/Spar Chord and Wing Lower Skin, BBL 70.5 to WBL129.62	X	X	X	X	X
57-A(X)5-06	Wing Rear Spar Lower Chord, Web and Wing Lower Skin at WBL 59.24	N/A	X	X	X	X
57-A(X)5-07	Wing Lower Panel Stringer (Joint at Beavertail) WBL 59.24 S-1 through S-18	X	X	X	X	X
57-A(X)5-09	Wing Rear Spar Lower Chord, Web and Wing Lower Skin, WBL 59.24 to W.S. 360	X	X	X	X	X
57-A(X)5-10	Wing Lower Panel, W.S. 360 Splice, Stringers S-1 through Front Spar	X	X	X	X	X

B. The inspection thresholds, repetitive intervals, inspection techniques, repair methods, terminating action and applicable airplanes for each significant structural detail listed in Table I is contained in Boeing Document D6-44860.

The increase of inspection intervals in accordance with paragraph 1.70 of Boeing Document D6-44860 is not permitted, except as provided in paragraph D.

C. If cracks are found, prior to further flight: (1) Replace with a serviceable approved part of the same Part Number, (2) repair in accordance with the information contained in Boeing Document D6-44860, or (3) repair in accordance with a method approved by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Mountain Region, Seattle, Washington.

D. Alternate means of compliance may be used when approved by an FAA Maintenance Safety Inspector with the prior approval of the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Mountain Region, Seattle, Washington.

E. Inspection must be continued until the terminating action (if any), as specified in Boeing Document D6-44860, is accomplished. (Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85).

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer, may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108.

Note.—The FAA has determined that this proposed regulation involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since it involves few, if any, such entities. A draft evaluation has been prepared for this

proposed regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Seattle, Washington, on December 30, 1981.

**Robert O. Brown,**

*Acting Director, Northwest Mountain Region.*

[FR Doc. 82-451 Filed 1-8-82; 8:45 am]

**BILLING CODE 4910-13-M**

#### 14 CFR Part 71

[Airspace Docket No. 80-EA-18]

#### Alteration of Transition Area; Chambersburg, PA

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

**ACTION:** Withdrawal of notice of proposed rulemaking.

**SUMMARY:** This notice withdraws the proposal to amend the Chambersburg, Pa., Transition Area. The amendment was proposed so as to permit a change of instrument procedures resulting from the installation of a nondirectional radio beacon (NDB). Such installation has been abandoned precluding any further need for Notice of Proposed Rulemaking Docket 80-EA-18.

**EFFECTIVE DATE:** January 11, 1982.

#### FOR FURTHER INFORMATION CONTACT:

A. J. Reale, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Telephone (212) 995-3391.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Notice of Proposed Rulemaking Docket 80-EA-18 (45 FR 74498; November 10, 1980) is hereby withdrawn, effective January 11, 1982.

(Sections 307(a), and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(c));

Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Issued in Jamaica, New York, on December 22, 1981.

**Timothy L. Hartnett,**

*Acting Director, Eastern Region.*

[FR Doc. 82-468 Filed 1-8-82; 8:45 am]

**BILLING CODE 4910-13-M**

#### 14 CFR Part 71

[Airspace Docket No. 81-ASW-69]

#### Proposed Designation of Transition Area; Crockett, TX

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Federal Aviation Administration proposes designation of a transition area at Crockett, TX. The intended effect of the proposed action is to provide controlled airspace for aircraft executing a new instrument approach procedure to the Houston County Airport. This action is necessary to protect aircraft executing a standard instrument approach procedure (SIAP) using the proposed nondirectional radio beacon (NDB) located on the airport.

**DATE:** Comments must be received on or before February 10, 1982.

**ADDRESSES:** Send comments on the proposal in triplicate to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8 a.m. and 4:30 p.m. The FAA Rules Docket is located in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX.

**FOR FURTHER INFORMATION CONTACT:** Kenneth L. Stephenson, Airspace and Procedures Branch, ASW-535, Air traffic

Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101; telephone: (817) 624-4911, extension 302.

**SUPPLEMENTARY INFORMATION:**

**History**

Federal Aviation Regulation Part 71, Subpart G, § 71.181 as republished in the Federal Register on January 2, 1981 (46 FR 540), contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Designation of the transition area at Crockett, TX, will necessitate an amendment to this subpart. This amendment will be required at Crockett, TX, since there is a proposed IFR procedure to the Houston County Airport.

**Comments Invited**

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. (Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals.) Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-ASW-69." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

**Availability of NPRM**

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, or by

calling (817) 624-4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the office listed above.

**The Proposed Amendment**

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

**Crockett, TX.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Houston County Airport (latitude 31°18'35"N., longitude 95°24'10"W.) and within 3 miles each side of the 196° bearing of the NDB (latitude 31°18'50"N., longitude 95°24'10"W.) extending from the 5-mile radius area to 8.5 miles south of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

**Note.**—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Fort Worth, TX, on December 30, 1981.

F. E. Whitfield,

*Acting Director, Southwest Region.*

[FR Doc. 82-448 Filed 1-8-82; 8:45 am]

**BILLING CODE 4910-13-M**

**14 CFR Part 71**

**[Airspace Docket No. 81-AAL-16]**

**Proposed Designation of Transition Area; Ambler, Alaska**

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to designate a transition area at Ambler, Alaska. The FAA has installed a Nondirectional Radio Beacon (NDB) at Ambler and has developed a standard instrument approach procedure to the Ambler airport. This transition area is needed to provide protected controlled airspace for the instrument approach procedure.

**DATE:** Comments must be received on or before February 11, 1982.

**ADDRESSES:** Send comments on the proposal in triplicate to: Director, FAA Alaskan Region, Attn: Chief, Air Traffic Division, Docket No. 81-AAL-16, 701 C Street, Box 14, Anchorage, Alaska 99513.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 7:30 a.m. and 4:00 p.m. The FAA Rules Docket is located in the office of the Regional Counsel, 3rd floor, Federal Building, 701 C Street, Anchorage, Alaska.

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

**FOR FURTHER INFORMATION CONTACT:**

Jerry W. Wylie, Operations, Procedures, and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 701 C Street, Box 14, Anchorage, Alaska 99513, telephone (907) 271-5903.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-AAL-16." The postcard will be dated/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

### Availability of NPRMs

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Operations, Procedures, and Airspace Branch, Air Traffic Division, Alaskan Region, Federal Aviation Administration, 701 C Street, Box 14, Anchorage, Alaska 99513, or by calling (907) 271-5903. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2, which describes application procedures.

### The Proposal

The FAA is considering an amendment to Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a transition area at Ambler, AK. This proposal would provide protected controlled airspace for aircraft conducting prescribed instrument approaches to Ambler airport. Section 71.181 was republished on January 2, 1981, (46 FR 540).

### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540), by adding the following:

#### Ambler, AK

That airspace extending upward from 700 feet above the surface within 9.5 miles east and 6 miles west of the Ambler NDB (Lat. 67°06'26" N., Long. 157°51'18" W.) 186° True (163°M) and 006° True (343°M) bearings, extending from 8 miles north of the NDB to 18.5 miles south of the NDB.

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510); Executive Order 10854 (24 FR 9565); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)) and 14 CFR 11.65)

**Note.**—The FAA has determined that this proposed regulation only involves an estimated body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Anchorage, Alaska, on December 29, 1981.

Robert L. Faith,

Director, Alaskan Region.

[FR Doc. 82-042 Filed 1-8-82; 8:45 am]

BILLING CODE 4910-13-M

### 14 CFR Part 73

[Airspace Docket No. 81-AWP-22]

### Proposed Temporary Restricted Area, Calif.; GALLANT EAGLE 82

#### Correction

In FR Doc. 81-37147, appearing at page 63318 in the issue of Thursday, December 31, 1981, the second line of the description for restricted area R-2538C, GALLANT EAGLE 82 [New], in column two of page 63319 should have read, "116°30'W.; to lat. 34°43'N., long. 116°26'W.; to".

BILLING CODE 1505-01-M

### Federal Highway Administration

#### 23 CFR Part 635

[FHWA Docket No. 78-16, Notice 2]

### Contract Procedures; Subcontracting Requirements

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The FHWA requests comments on proposed revisions to its subcontracting regulation. The revised regulation would permit States to accept bids for Federal-aid highway construction work from contractors who would perform as little as 30 percent of the contract work with their own organizations as opposed to 50 percent under the regulation currently in effect. The proposed revision would also eliminate procedural requirements in the current regulation which are no longer considered necessary. Lowering the amount of work to be performed by a contractor's own forces includes a possible increase in bidding competition within and better utilization of the construction industry.

**DATE:** Comments must be received on or before February 10, 1982.

**ADDRESS:** Submit written comments, preferably in triplicate, to FHWA Docket No. 78-16, Notice 2, Federal Highway Administration, Room 4205, HCC-10, 400 Seventh Street, SW., Washington, D.C. 20590. All comments received will be available for examination at the above address

between 7:45 a.m. and 4:15 p.m. ET, Monday through Friday. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

### FOR FURTHER INFORMATION CONTACT:

Mr. K. L. Ziems, Chief, Contract Administration and Operations Branch, Construction and Maintenance Division, Office of Highway Operations (202) 426-4847, or Mr. Michael Laska, Office of the Chief Counsel (202) 426-0800, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** The contract procedures for Federal-aid highway projects are set forth in 23 CFR Part 635, Subpart A. Section 635.113 contains the procedures for subcontracting and is the subject of this notice of proposed rulemaking.

Section 635.113(b) currently requires that a contractor perform with its own organization, contract work amounting to not less than 50 percent of the total contract price. Because of recent increased interest in the cost of Federal-aid construction work, the FHWA decided to review this requirement. Support for lowering the amount of work required to be performed by the contractor's own forces includes a possible increase in bidding competition within and better utilization of the construction industry.

Since the emphasis of the Federal-aid highway program has shifted principally from new rural Interstate routes to resurfacing, restoration, rehabilitation, and bridge replacement type projects, construction firms involved have become smaller in size and more specialized. In general, lowering the limit would enhance the bidding opportunities of these small and/or specialized contractors.

By lowering the Federal limit from 50 percent to 30 percent, a State would have the option of reducing its own limit or, at least in two States and the District of Columbia, allowing the same percentage to be subcontracted on Federal-aid projects as currently allowed on State projects. It is not expected that all States which now have a 50 percent requirement would revise it to 30 percent, nor would it be recommended that the new limit be applied to all projects. This amendment would merely allow States greater flexibility so that, on any given Federal-aid project, a State could allow the contractor to subcontract up to 70 percent of the total contract price excluding identified specialty items.

In addition to the proposed revision of the Federal limit on subcontracting, the FHWA is also proposing to make a number of other changes in § 635.113. The majority of these proposed revisions were included in a previous notice of proposed rulemaking (43 FR 36645, August 18, 1978) on all of Part 635, Subpart A. No substantive comments were received on the proposed revisions to § 635.113 at that time. The proposed revisions to the remainder of Subpart A are currently under review.

With respect to § 635.113, the FHWA is proposing to eliminate the following provisions:

1. Paragraph (a)—definitions;
2. Paragraph (c)—requirements imposed on the contractor to assure performance of subcontracted work in accordance with contract requirements;
3. Paragraph (f)—specific criteria for determining whether a contractor is in compliance with the Federal limit on subcontracting; and
4. Paragraph (h)—a requirement that the State highway agency establish procedures to assure identification of potential subcontractors and adherence to nondiscrimination statutes and regulations.

The foregoing provisions should be eliminated because they are unnecessary and duplicate other requirements. Elimination of these provisions would not affect the obligation of States and contractors to adhere to the requirements of applicable Federal statutes and regulations on all Federal-aid projects.

Two other revisions to § 635.113 are being proposed at this time. Paragraph (d) permits the requirements of § 635.113 to be modified by the Federal Highway Administrator in the public interest upon the request of a State highway agency. This provision would be revised to allow for modifications of this section only prior to the opening of bids. Due to the new allowable limit, it is believed that the need to waive any requirement after the award of a contract would be unnecessary. This provision would also be revised to permit other FHWA officials to exercise the Administrator's authority under this subsection. Paragraph (e) currently permits the exclusion of specialty items from the total contract price before computing the amount of work required to be performed by the contractor's own organization. This provision would not be eliminated, but would simply be incorporated in the same paragraph as the subcontracting limit.

An interim report on results of modifying the subcontracting

requirements was recently presented by the Wisconsin Department of Transportation to the American Association of State Highway and Transportation Officials' Subcommittee on Construction. Because the report addresses a majority of the points considered in this notice of proposed rulemaking, a copy of the report and an FHWA summary have been placed in the public docket for inspection. Copies of these documents are also available upon request from Mr. K. L. Ziems at the address provided above.

It is anticipated that the proposed revisions would have a potentially positive economic impact on contracting agencies. In effect, since more contractors would be allowed to bid for a project, the increased competition should lower actual construction costs. Elimination of unnecessary procedural requirements should benefit States and contractors. Smaller contractors should also benefit because of the potential increase in their opportunities to bid on Federal-aid projects. It is possible that large construction firms would be adversely impacted due to the loss of some work to smaller firms; however, it is not anticipated that this effect would be significant.

Due to the fact that the States would be under no obligation to adopt the 30 percent requirement and based upon preliminary indications that the majority would not do so, it is not anticipated that this proposal will have a significant economic effect. Accordingly, a full regulatory evaluation is not required at this time. For the foregoing reasons, under the criteria of the Regulatory Flexibility Act, it is certified that this proposal will not have a significant economic impact on a substantial number of small entities.

Comments are requested on the proposed revisions from all interested parties. The comments should specifically address the effects of the proposed revisions on the highway and construction industry and any effects on the Federal-aid program in the States. The FHWA is also interested in any economic effects of the proposed revisions and any effects on small contractors.

The FHWA has determined that this document contains neither a major rule under Executive Order 12291 nor a significant proposal under the regulatory policies and procedures of the Department of Transportation. A 30-day comment period is considered sufficient because the majority of the proposed revisions have already been the subject

of public notice and comment and because of the interest in providing greater flexibility, eliminating unnecessary procedural burdens, and increasing the potential for cost savings as quickly as possible.

In consideration of the foregoing, and under the authority of 23 U.S.C. 101, 112, 114 and 315, and 49 CFR 1.48(b), the FHWA proposes to revise Chapter I, Part 635, Subpart A of Title 23, Code of Federal Regulations, as set forth below.

(Catalog of Federal Domestic Assistance Program Number 20 205, Highway Research, Planning, and Construction. The provisions of OMB Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program.)

Issued: January 4, 1982.

R. A. Barnhart,  
Federal Highway Administrator.

## PART 635—CONSTRUCTION AND MAINTENANCE

It is proposed to revise § 635.113 to read as follows:

### § 635.113 Subcontracting.

(a) Contracts for projects shall require that the contractor perform, with its own organization, contract work amounting to not less than 30 percent of the total contract price excluding identified specialty items. For purposes of this section, an assignment of contract work is considered synonymous with a subcontract to perform such work.

(b) Upon the request of a State highway agency, the requirements of this section may be modified in whole or in part by the FHWA for a project prior to the opening of bids to such extent as the FHWA determines to be in the public interest.

(c) The State highway agency shall not permit any of the contract work to be performed under a subcontract unless such arrangement has been authorized by the State highway agency in writing. Prior to authorizing a subcontract, the State highway agency shall assure that the subcontract is evidenced in writing and that it contains all pertinent provisions and requirements of the prime contract. A copy of each such written authorization shall be furnished promptly to the Division Administrator.

[FR Doc. 82-559 Filed 1-8-82; 8:45 am]

BILLING CODE 4910-22-M

## DEPARTMENT OF THE TREASURY

## Bureau of Alcohol, Tobacco and Firearms

## 27 CFR Part 5

[Notice No. 403]

## Labeling and Advertising of Distilled Spirits, Standard of Identity for Vodka

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

ACTION: Advance notice of proposed rulemaking.

**SUMMARY:** The Bureau of Alcohol, Tobacco and Firearms (ATF) is proposing to amend regulations to clarify the standard of identity for vodka. Revenue Ruling 56-98 holds that the addition of sugar and citric acid to vodka in accordance with the limitations specified in the ruling does not materially affect the taste or change the basic character of vodka. Products containing these ingredients within the limitations are allowed to be labeled as vodka. The results of recent tests conducted at the ATF National Laboratory indicate that the use of sugar and citric acid, even within the ruling's limitations, does change the chemical and physical characteristics (the basic character) of vodka. The changes to the chemical and physical characteristics mean that the vodka treated in accordance with this ruling does not conform to the standard of identity for vodka. ATF believes that it may be necessary to reassess its position held in the revenue ruling and amend the standard of identity for vodka.

ATF will, however, also consider, as an alternative proposal, a new class designation for vodka made with the addition of sugar and citric acid.

**DATE:** Comments must be received on or before April 12, 1982.

**ADDRESS:** Send comments on this notice to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, Post Office Box 385, Washington, D.C. 20044.

**FOR FURTHER INFORMATION CONTACT:** Joan Deerwester, Research and Regulations Branch, 202-566-7626.

**SUPPLEMENTARY INFORMATION:**

## Background

The standard of identity for vodka is established in 27 CFR 5.22(a)(1), as "neutral spirits so distilled, or so treated after distillation with charcoal or other materials, as to be without distinctive character, aroma, taste or color." Section 27 CFR 5.23(a)(2) allows for the addition of harmless coloring, flavoring or blending materials as long as they do

not alter the class and type of distilled spirits. Under § 5.23(a)(3)(ii), "Harmless coloring, flavoring and blending materials" shall not include any material whatsoever in the case of neutral spirits.

In 1956 Revenue Ruling 56-98, 1956-1 C.B. 811, was issued allowing the addition of sugar not exceeding two-tenths of one percent and a trace amount of citric acid to neutral spirits in the production of vodka. The position taken at that time was that these ingredients in those amounts do not materially affect the vodka's taste or its basic character. Therefore, products containing these ingredients within the specified limitations are allowed to be labeled as vodka.

The ATF National Laboratory has, however, recently conducted additional tests of vodka samples treated in accordance with specifications in Revenue Ruling 56-98. Analysis of these samples reveals a measurable solids content, indicating the addition of sugar, as compared with negligible measurements in samples not so treated. The addition of the trace of citric acid is also detectable by means of a titration test. The citric acid is detected as a change in the titratable acidity of the sample.

ATF concluded that although sugar and citric acid were used within the specified limitations, the addition of the ingredients did materially affect the chemical and physical characteristics of the vodka. Both the high solids content and the change of titratable acidity indicate that a change has taken place in the physical and chemical characteristics.

ATF holds that the "distinctive character" includes both the chemical and physical characteristics of the vodka. These test results show that the "distinctive character" has been altered so that it no longer conforms to the standard of identity for vodka.

On the basis of these tests, ATF has concluded that the vodka treated in accordance with Revenue Ruling 56-98 is different from the vodka not so treated and therefore does not conform to the standard of identity for vodka. Therefore, Revenue Ruling 56-98 must be reassessed for its validity.

ATF, however, would like to know if the consumer and the alcohol industry are interested in another class of vodka, designated in Part 5, which would allow the addition of sugar and citric acid. Is there a market for this product? Should the amounts of sugar and citric acid as allowed in Revenue Ruling 56-98 remain the same, be increased or decreased? What would ATF call this new class of vodka?

ATF would like comments regarding the two proposals presented, that is, (1) Clarifying the standard of identity for vodka to preclude the addition of any ingredients to vodka, such as sugar and citric acid, that would materially affect its physical and chemical characteristics, or (2) establishing another class of vodka authorizing the addition of sugar and citric acid within specified amounts.

## Executive Order 12291

It has been determined that this advance notice of proposed rulemaking is not classified as a "major rule" within the meaning of Executive Order 12291 of February 17, 1981, because they will not have an annual effect on the economy of \$100 million or more; they will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and they will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

## Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the advance notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities. The proposal is not expected to: Have significant secondary or incidental effects on a substantial number of small entities; or impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that the advance notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities.

## Public Participation

ATF encourages interested persons to participate in this rulemaking procedure by submitting written comments. All pertinent comments will be considered prior to the proposal of amended regulations. Comments are not considered confidential. Any material which the commenter considers to be confidential or inappropriate for

disclosure to the public should not be included in the comments. The name of any person submitting comments is not exempt from disclosure. Written communications will be available for public inspection at the ATF Reading Room, Room 4407, 12th and Pennsylvania Avenue, NW, Washington, DC from 8:30 a.m. to 5:00 p.m.

#### Drafting Information

The principal author of this document is Joan Deerwester, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

#### Authority

This advance notice of proposed rulemaking is issued under the authority of section 5 of the Federal Alcohol Administration Act (49 Stat. 391) (as amended in 27 U.S.C. 205).

Signed: November 13, 1981.

G. R. Dickerson,

Director.

Approved: December 8, 1981.

John M. Walker, Jr.,

Assistant Secretary.

(Enforcement and Operations).

[FR Doc. 82-872 Filed 1-8-82; 8:45 am]

BILLING CODE 4810-31-M

## 27 CFR Part 9

### [Notice No. 402]

#### Establishment of Green Valley Viticultural Area, Calif.

**AGENCY:** Bureau of Alcohol, Tobacco and Firearms, Treasury.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area in Solano County, California, to be known as "Green Valley." This proposal is the result of a petition from Mr. Ben A. Volkhardt, president of the West Solano County Grape Growers Association. The establishment of viticultural areas and the subsequent use of viticultural area names in wine labeling and advertising will allow wineries to better designate the specific grape-growing area where their wines come from and will enable consumers to better identify wines they purchase.

**DATE:** Written comments must be received by March 12, 1982.

**ADDRESS:** Send written comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044-0385 (Attn.: Notice No. 402).

Copies of the petition, the proposed regulations, the appropriate maps, and the written comments will be available for public inspection during normal business hours at: ATF Reading Room, Office of Public Affairs and Disclosure, Room 4405, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, DC.

#### FOR FURTHER INFORMATION CONTACT:

Robert L. White, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226 (202-566-7626).

#### SUPPLEMENTARY INFORMATION:

##### Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4. These regulations allow the establishment of definite viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements.

On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which added a new Part 9 to 27 CFR, for the listing of approved American viticultural areas.

Section 4.25a(e)(1), Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include—

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical features (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on the features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. map with the boundaries prominently marked.

##### Petition

ATF has received a petition from Mr. Ben A. Volkhardt, president of the West

Solano County Grape Growers Association, proposing an area in Solano County, California, as a viticultural area to be known as "Green Valley." The proposed area is located in the southwestern portion of the county adjacent to the Napa County line and west of Suisun Valley. Green Valley lies within the southern end of two ranges of the Coast Range, the Vaca Mountains on the east and the Mount George Range on the west. The valley terminates in the south at the marshlands of Suisun Bay.

#### Geographical/Viticultural Features

The petitioner claims that the proposed viticultural area is distinguished from surrounding areas by climatic variances and by the soil. The petitioner bases these claims on the following:

(a) The Green Valley grape area lies within the Coastal area climate and is characterized by cool, moist winds blowing inland from the ocean and bay almost continuously from May through early Fall.

(b) The climate in Green Valley is mid-region III as classified by the University of California at Davis system of heat summation by degree-days.

(c) The season totals for degree-days above 50 degrees Fahrenheit for Green Valley were 3,683.9 in 1973 and 3,496.2 in 1974. In comparison, the season totals for upper Suisun Valley were 3,768.4 in 1973 and 3,700.5 in 1974. In mid-Suisun Valley the season totals were 3,460.4 in 1973 and 3,256.3 in 1974. Suisun Valley lies directly east of Green Valley.

(d) Due to Green Valley's proximity to the Pacific Ocean, fog is very prevalent in the valley during the months of May, June, July and August. In contrast, fog hardly ever penetrates into the nearby Suisun Valley or into the Vacaville-Dixon area which lies to the east of Suisun Valley.

(e) The soil in Green Valley consists of Conejo clay loam.

(f) The watershed in Green Valley drains southward into the Suisun Bay. In the Vacaville-Dixon area, the watershed drains eastward into the Sacramento River.

#### Historical Background

According to information provided by the petitioner, Green Valley is a small valley approximately one mile wide and four miles long. Grapes have been grown commercially in the valley since the late 1800's. As early as 1909, over 2,000 acres were recorded by the Bureau of the Census. Since that time, a small but stable wine grape acreage has been continuously maintained. Currently, about 400 acres of grapes are under

cultivation within the proposed area. Also, a winery is scheduled to begin operations within the area in the near future.

The principal varieties of grapes grown in Solano County in decreasing order of acreage are: Gamay, Petite Sirah, Cabernet Sauvignon, Carignane, Zinfandel, French Colombard, Chenin Blanc, Early Burgundy, Gamay Beaujolais, and Gray Riesling. The petition claims that grapes from western Solano County have been well received by Napa-Solano vintners, and growers have experienced no difficulty in meeting the minimum acid and sugar requirements for north-coast grapes.

#### Proposed Boundaries

The boundaries of the proposed Green Valley viticultural area may be found on two U.S.G.S. 7.5 minute quadrangle maps ("Mt. George Quadrangle, California", and "Cordelia Quadrangle, California"). The specific description of the boundaries of the proposed viticultural area is found in the proposed regulations.

#### Executive Order 12291

It has been determined that this proposal is not a "major rule" within the meaning of Executive Order 12291, 46 FR 13193 (February 17, 1981), because it will not have an annual effect on the economy of \$100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

#### Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not expected to apply to this proposed rule because the proposal, if promulgated as a final rule, is not expected to have a significant economic impact on a substantial number of small entities. ATF has come to this tentative conclusion based on the fact that we do not have a way to assign a monetary value on the use of the name "Green Valley" as a viticultural area appellation of origin on wine labels and in wine advertisements. Since the benefits to be derived from using a new viticultural area appellation of origin are intangible, ATF cannot conclusively determine what the economic impact will be on the affected small entities in

the area. However, from the information we currently have available on the proposed Green Valley viticultural area, ATF does not feel that the use of this appellation of origin will have a significant economic impact on a substantial number of small entities.

#### Public Participation—Written Comments

ATF requests comments concerning this proposed viticultural area from all interested persons. Furthermore, while this document proposes possible boundaries for the Green Valley viticultural area, comments concerning other possible boundaries for this viticultural area will be given consideration.

A notice of proposed rulemaking requesting public comment on a proposed Suisun Valley viticultural area, adjacent to the proposed Green Valley viticultural area, is being published in today's *Federal Register*. ATF requests public comment regarding the geographic and climatic features, if any, which distinguish the two areas in order for ATF to decide whether there should be two separate areas or a single viticultural area established in these valleys.

Comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

ATF will not recognize any material or comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting a comment is not exempt from disclosure.

Any person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his or her request, in writing, to the Director within the 60-day comment period. The request should include reasons why the commenter feels that a public hearing is necessary. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

#### Drafting Information

The principal author of this document is Robert L. White, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, other personnel of the Bureau and of the Treasury Department have participated in the preparation of this document, both in matters of substance and style.

#### Authority

Accordingly, under the authority in 27 U.S.C. 205, the Director proposes the amendment of 27 CFR Part 9 as follows:

#### PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.44 to read as follows:

#### Subpart C—Approved American Viticultural Areas

Sec.

\* \* \* \* \*  
9.44 Green Valley.

Paragraph 2. Subpart C is amended by adding § 9.44 to read as follows:

#### Subpart C—Approved American Viticultural Areas

##### § 9.44 Green Valley.

(a) *Name*. The name of the viticultural area described in this section is "Green Valley."

(b) *Approved maps*. The appropriate maps for determining the boundaries of the Green Valley viticultural area are two U.S.G.S. maps. They are titled:

- (1) "Mt. George Quadrangle, California," 7.5 minutes series; and
- (2) "Cordelia Quadrangle, California," 7.5 minute series.

(c) *Boundaries*. The Green Valley viticultural area is located in Solano County, California. The beginning point is the intersection of the township line identified as T6N/T5N with the westernmost point of the Solano County/Napa County line on the north border of Section 4, located on U.S.G.S. map "Mt. George Quadrangle."

(1) From the beginning point, the boundary runs in a southerly direction along the Napa/Solano County border to State Road 12;

(2) Thence east along State Road 12 to where it intersects with Interstate 80;

(3) Thence southwest on Interstate 80 to where it intersects with the Southern Pacific railroad track;

(4) Thence in an easterly direction along the Southern Pacific railroad track to where it intersects with range line "R3W/R2W";

(5) Thence north on range line "R3W/R2W" to where it intersects with the Solano County/Napa County line;

(6) Thence due west along the Solano County/Napa County line to the point of beginning.

Signed November 3, 1981.

G. R. Dickerson,  
Director.

Approved: December 8, 1981.

John M. Walker, Jr.,  
Assistant Secretary (Enforcement and  
Operations).

[FR Doc. 82-671 Filed 1-8-82; 8:45 am]

BILLING CODE 4910-31-M

## 27 CFR Part 9

[Notice No. 404; Re: Notice No. 360]

### North Coast Viticultural Area, Calif.; Amendment of Proposed Boundary

**AGENCY:** Bureau of Alcohol, Tobacco  
and Firearms, Treasury.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice amends the proposed boundary of the proposed North Coast Viticultural Area. Evidence received in response to Notice No. 360 published in the *Federal Register* on December 15, 1980 (45 FR 82470) and at a public hearing indicates that the originally proposed area does not meet the requirements of 27 CFR 4.25a(e). Therefore, the Bureau of Alcohol, Tobacco and Firearms (ATF) is proposing new boundaries delineating an area which it feels does meet the viticultural area requirements.

**DATE:** Comments must be received by February 25, 1982.

**ADDRESSES:** Send written comments to—Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044-0385 (Notice No. 404).

Copies of comments will be available for public inspection during normal business hours at the—ATF Reading Room, Federal Building, Room 4405, 1200 Pennsylvania Avenue, NW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** John Ference, Research and Regulations Branch (202-566-7626).

#### SUPPLEMENTARY INFORMATION:

##### Original Proposal

On December 15, 1980, ATF published a notice of proposed rulemaking, Notice No. 360, in the *Federal Register* proposing the establishment of the "North Coast" viticultural area in Napa, Sonoma, and Mendocino Counties. A public hearing concerning this proposal was held in Santa Rosa, California, on January 12, 1981. ATF accepted written comments on this proposal until February 13, 1981.

**Geographical Features.** The original North Coast proposal was based on a petition submitted by the California

North Coast Grape Growers, a trade association. Under this proposal, the viticultural area would be comprised of Napa, Sonoma, and Mendocino Counties, California in their entireties.

Section 4.25(e)(2) (iii) requires a viticultural area to possess geographical features which distinguish the viticultural features of the area from the surrounding areas. The petitioners stated that the viticultural features of these three counties were geographically distinguishable from the surrounding areas by soil type and climate. The Lake County Wine Producers, the West Solano County Grape Growers Association, and others took exception to that position. The petitioner submitted comments rebutting the comments and testimony in opposition to the original petition. After consideration of all of the matter presented, ATF has concluded that the evidence received in written comments and hearing testimony indicates that the originally proposed area is not viticulturally distinguishable from nearby grape-growing areas in the adjacent Lake and Solano Counties.

ATF believes that the original petitioners failed to show that the soil composition of the three-county area differs significantly from that of surrounding areas. Furthermore, ATF feels that the soil types found in Napa, Sonoma, and Mendocino Counties are so diverse that a meaningful viticultural area cannot be formed on the basis of soil composition.

The petitioners also argued that the grape-growing areas in Lake County and Southwestern Solano County have a much hotter climate during the growing season than the originally proposed area. In general, the temperatures north of San Francisco Bay become increasingly warmer moving east from the Pacific Ocean. However, the grape-growing areas in portions of Lake and Solano Counties are not markedly warmer than some grape-growing areas in portions of Mendocino and Napa Counties. These areas generally fall into the Region III category as based on the heat summation scale established by viticulturalists at the University of California, at Davis. ATF also feels that other factors such as fog and rainfall are not consistent enough throughout the originally proposed area to form a basis for approving the three counties as a viticultural area. Finally, ATF feels that the petitioners failed to show how the county boundaries which they used as viticultural area boundaries had any bearing on their claim to the geographical distinctions of the proposed area.

On the other hand, the climatic evidence presented at the hearing suggests that an area other than the original three-county proposal does possess a climate somewhat influenced by intrusions of cooler, damper, coastal marine air. While this coastal influence progressively diminishes moving east from the Pacific Ocean, the area north of San Francisco Bay and including portions of Solano and Lake Counties is generally distinguishable by climate from the hotter regions of California's Central Valley.

**Proposed Name.** Section 4.25a(e)(2)(i) requires a proposed viticultural area to be known by the proposed name. Historical evidence indicates that the name "North Coast" has been applied at one time or another to various areas throughout northern California. In 1974, ATF administratively limited the use of the name "North Coast" to wines produced from grapes grown in Napa, Sonoma, and Mendocino Counties. At the time, there were no provisions for an appellation area based on geographical or viticultural characteristics. In the absence of a procedure to establish a viticultural area based on geographical or viticultural characteristics, ATF attempted to limit appellation areas to political subdivisions as much as possible. This was done for the sake of simplicity, since county boundaries were already well established and usually well marked.

However, with the new viticultural area procedure (including provisions for public and industry comment) all appellations other than the actual names of counties or States must be based on geographical and viticultural characteristics. Furthermore, ATF made it clear with the promulgation in 1978 of the new rules concerning viticultural area appellations, that old policies no longer applied. Each viticultural area must stand on its own inherent merits and must meet the criteria in 27 CFR 4.25a. The original petitioner's historical claim to the name "North Coast" is essentially based on ATF's 1974 action. Prior to this action, grapes from portions of Lake County were bought and used as "North Coast" grapes by wineries located in the three-county area. Also, 80 percent of the grapes grown in the southwest portion of Solano County are used in wines currently eligible for a North Coast appellation. Based on the record, ATF feels that the three counties originally proposed as the North Coast viticultural area have no greater historical claim to the name than the adjacent areas in Lake and Solano Counties.

*Other Comments.* Some commenters stated that the proposed area was too large to be viticultural area. Section 4.25a(e) places no restriction on the size of a viticultural area. A viticultural area may be any size as long as the geographical and other criteria in § 4.25a(e)(2) are met.

One commenter felt that to assign the "North Coast" designation to any area other than the proposed three-county area would be misleading to consumers since the three-county area is currently recognized. In the promulgation of Treasury Decision 53, which established the criteria for a viticultural area, ATF made it clear that no grape-growing area would be "grandfathered" and each area must meet the new criteria before approval.

ATF established the viticultural area criteria to prevent the use of appellations which have no meaning and are misleading. To allow the use of an appellation for an area which does not meet the criteria would, in itself, be misleading. The proposed three-county area does not meet the criteria.

#### New Proposal

ATF is amending the proposed boundary of the proposed North Coast viticultural area to include the grape-growing areas north of San Francisco Bay which are generally influenced by a coastal, marine climate. This boundary includes the western portions of Lake County and the southwestern portion of Solano County. The new proposed boundary also deletes the extreme northeastern corner of Napa County and the northern portion of Mendocino County from the proposed area. The deleted portion of Napa County has a climate more closely associated with the hotter Central Valley region. The deleted portion of Mendocino County, while possessing similar climatic characteristics, has a more rugged mountainous topography.

The new proposed boundary is described by using features which appear on the following United States Geological Survey maps—

- (1) "Ukiah," Western United States, 1:250,000 scale;
- (2) "Cordelia Quadrangle, California" 7.5 minute series;
- (3) "Fairfield South Quadrangle, California," 7.5 minute series; and
- (4) "Fairfield North Quadrangle, California," 7.5 minute series.

The new proposed boundary begins at the conjunction of the Sonoma County-Marin County line and the Pacific Ocean. From this point, the boundary runs along the Sonoma County-Marin County line to San Pablo Bay. The boundary then runs along the shore of

San Pablo Bay to the Napa County-Solano County line and then along this county line to State Road 12. From this point, the boundary runs easterly along State Road 12 to Interstate Highway 80, southwesterly along Interstate 80 to the Southern Pacific Railroad track, and easterly along this railroad track to the range line between Range 3 West and Range 2 West.

From the intersection of this range line and the railroad track, the boundary runs in a straight line northeasterly to the intersection of Ledgewood Creek and the southern township line of Township 5 North. From this point, the boundary runs northeasterly to Bench Mark (BM) No. 19 in the town of Fairfield. The boundary then runs due north to Soda Springs Creek and then in a straight line northwesterly to an extreme southeastern corner of Napa County. This corner of Napa County is located just south of Section No. 34, Township 6 North, Range 2 West.

From this corner of Napa County, the boundary runs north along the Napa County-Solano County line to Lake Berryessa, along the southern and western shores of Lake Berryessa to Putah Creek, and along Putah Creek to the Lake County-Napa County line. The boundary then runs from the junction of Putah Creek and the Lake County-Napa County line straight to the summit of Brushy Sky High Mountain (elevation 3,196 feet). The boundary then runs in a northwesterly direction to Bally Peak, Round Mountain, Evans Peak, Pinnacle Rock Lookout, and Youngs Peak (elevation 3,638 feet). From Youngs Peak, the boundary runs in a straight line across Elk Mountain to the summit of Pine Mountain (elevation 4,057 feet). From the summit of Pine Mountain, the boundary runs northwesterly in a straight line to the summit of an unnamed mountain marked with an elevation of 2,703 feet. This mountain is found in Section 20, Township 19 North, Range 13 West. The boundary then runs from this mountain in a southwesterly direction to the junction of Redwood Creek and the Noyo River, then down the Noyo River to the Pacific Ocean. The boundary then runs along the coast of the Pacific Ocean from the Noyo River to the Sonoma County-Marin County line.

#### Public Participation

ATF requests comments concerning this proposal from all interested persons. In response to the first notice of proposed rulemaking, it was alleged that the term "North Coast" is a "Registered Trademark." ATF requests comments or other evidence showing that the term "North Coast" has been registered as a

trademark on the Federal Principal Register in accordance with the Lanham Trademark Act, 15 U.S.C. 1115. Furthermore, while this document proposes boundaries for the North Coast viticultural area, comments concerning other boundaries for this viticultural area will be given consideration. Comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

ATF will not recognize any material or comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate to the public should not be included in the comment. The name of the person submitting the comment is not exempt from disclosure.

#### Regulatory Flexibility Act

The Regulatory Flexibility Act requires Federal agencies to make an initial and final analysis of regulatory proposals where the agency feels that the proposal will have a significant economic impact on a substantial number of small entities. In addition, the agency is required to determine if a proposal would have significant secondary or incidental effects on a substantial number of small entities, or cause a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

The value of an appellation of origin when used in wine labeling and advertising is primarily intangible. Moreover, the value of an appellation of origin such as "North Coast" may vary widely due to factors completely unrelated to this proposal. Therefore, ATF is not able to assign a realistic economic value to the use of "North Coast" as an appellation of origin. In the absence of evidence to the contrary, ATF does not expect this proposal, if promulgated as a final rule, to have a significant economic impact on a substantial number of small entities. This proposal is not expected to have significant secondary incidental effects on a substantial number of small entities, or cause a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

#### Executive Order 12291

In compliance with Executive Order 12291, ATF has determined that this proposal is not a major rule since it will not result in—

(a) An annual effect on the economy of \$100 million or more;

(b) A major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

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

#### Drafting Information

The principal author of this document is Thomas L. Minton, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

#### Authority

This viticultural area is proposed under the authority in 27 U.S.C. 205.

Signed: November 24, 1981.

G. R. Dickerson,  
Director.

Approved: December 23, 1981.

John M. Walker, Jr.,  
Assistant Secretary (Enforcement and Operations).

[FR Doc. 82-673 Filed 1-8-82; 8:45 am]  
BILLING CODE 4810-31-M

## 27 CFR Part 9

[Notice No. 401]

### Establishment of Suisun Valley Viticultural Area, Calif.

**AGENCY:** Bureau of Alcohol, Tobacco and Firearms, Treasury.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area in Solano County, California, to be known as "Suisun Valley." This proposal is the result of a petition from Mr. Ben A. Volkhardt, president of the West Solano County Grape Growers Association. The establishment of viticultural areas and the subsequent use of viticultural area names in wine labeling and advertising will allow wineries to better designate the specific grape-growing area where their wines come from and will enable consumers to better identify wines they purchase.

**DATE:** Written comments must be received by March 12, 1982.

**ADDRESS:** Send written comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044-0385, (Attn: Notice No. 401).

Copies of the petition, the proposed regulations, the appropriate maps, and the written comments will be available for public inspection during normal business hours at: ATF Reading Room, Office of Public Affairs and Disclosure, Room 4405, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Robert L. White, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226 (202-566-7626).

#### SUPPLEMENTARY INFORMATION:

##### Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4. These regulations allow the establishment of definite viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements.

On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which added a new Part 9 to 27 CFR, for the listing of approved American viticultural areas.

Section 4.25a(e)(1), Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Section 4.25a(e)(2) outlines the procedures for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include—

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical features (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on the features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. map with the boundaries prominently marked.

##### Petition

ATF has received a petition from Mr. Ben A. Volkhardt, president of the West

Solano County Grape Growers Association, proposing an area in Solano County, California, as a viticultural area to be known as "Suisun Valley." The proposed area is located in the southwestern portion of the county adjacent to the Napa County line and east of Green Valley. Suisun Valley lies within the southern end of two ranges of the Coast Range, the Vaca Mountains on the east and the Mount George Range on the west. The valley terminates in the south at the marshlands of Suisun Bay.

##### Geographical/Viticultural Features

The petitioner claims that the proposed viticultural area is distinguished from surrounding areas by climatic variances and by the soil. The petitioner bases these claims on the following:

(a) The Suisun Valley grape area lies within the Coastal area climate and is characterized by cool, moist winds blowing inland from the ocean and bay almost continuously from May through early Fall.

(b) The climate in Suisun Valley is mid-region III as classified by the University of California at Davis system of heat summation by degree-days. Over a 14-year period, the University of California weather station in mid-Suisun Valley averaged an accumulation of 3,368 degree-days.

(c) The season totals for degree-days above 50 degrees Fahrenheit for upper Suisun Valley were 3,768.4 in 1973 and 3,700.5 in 1974. In mid-Suisun Valley the season totals were 3,460.4 in 1973 and 3,256.3 in 1974. In comparison, the season totals for Green Valley, which lies directly west of Suisun Valley, were 3,683.9 in 1973 and 3,498.2 in 1974.

(d) Fog hardly ever penetrates into the Suisun Valley due to its distance from the Pacific Ocean. In contrast, fog is very prevalent in Green Valley due to its proximity to the ocean.

(e) The soils in Suisun Valley consist of Brentwood clay loam, Sycamore silty clay loam, San Ysidro sandy loam and Rincon clay loam.

(f) The watershed in Suisun Valley drains southward into the Suisun Bay. In the Vacaville-Dixon area, which lies to the east of Suisun Valley, the watershed drains eastward in to the Sacramento River.

##### Historical Background

According to information provided by the petitioner, Suisun Valley is approximately three miles wide and eight miles long. Grapes have been grown commercially in Solano County since the late 1800's. As early as 1909, over 2,000 acres were recorded by the

Bureau of the Census. Since that time, a small but stable wine grape acreage has been continuously maintained. Currently, about 800 acres of grapes are under cultivation within the proposed area. Also, two wineries are operating within the area.

The principal varieties of grapes grown in Solano County in decreasing order of acreage are: Gamay, Petite Sirah, Cabernet Sauvignon, Carignane, Zinfandel, French Colombard, Chenin Blanc, Early Burgundy, Gamay Beaujolais, and Gray Riesling. The petitioner claims that grapes from western Solano County have been well received by Napa-Solano County vintners, and growers have experienced no difficulty in meeting the minimum acid and sugar requirements for north-coast grapes.

#### Proposed Boundaries

The boundaries of the proposed Suisun Valley viticultural area may be found on four U.S.G.S. 7.5 minute quadrangle maps ("Mt. George Quadrangle, California", "Fairfield North Quadrangle, California", "Fairfield South Quadrangle, California", and "Cordelia Quadrangle, California"). The specific description of the boundaries of the proposed viticultural area is found in the proposed regulations.

#### Executive Order 12291

It has been determined that this proposal is not a "major rule" within the meaning of Executive Order 12291, 46 FR 13193 (February 17, 1981), because it will not have an annual effect on the economy of \$100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

#### Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not expected to apply to this proposed rule because the proposal, if promulgated as a final rule, is not expected to have a significant economic impact on a substantial number of small entities. ATF has come to this tentative conclusion based on the fact that we do not have a way to assign a monetary value on the use of the name "Suisun Valley" as a viticultural area

appellation of origin on wine labels and in wine advertisements. Since the benefits to be derived from using a new viticultural area appellation of origin are intangible, ATF cannot conclusively determine what the economic impact will be on the affected small entities in the area. However, from the information we currently have available on the proposed Suisun Valley viticultural area, ATF does not feel that the use of this appellation of origin will have a significant economic impact on a substantial number of small entities.

#### Public Participation—Written Comments

ATF requests comments concerning this proposed viticultural area from all interested persons. Furthermore, while this document proposes possible boundaries for the Suisun Valley viticultural area, comments concerning other possible boundaries for this viticultural area will be given consideration.

A notice of proposed rulemaking requesting public comment on a proposed Green Valley viticultural area, adjacent to the proposed Suisun Valley viticultural area, is being published in today's *Federal Register*. ATF requests public comment regarding the geographic and climatic features, if any, which distinguish the two areas in order for ATF to decide whether there should be two separate areas or a single viticultural area established in these valleys.

Comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

ATF will not recognize any material or comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting a comment is not exempt from disclosure.

Any person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his or her request, in writing, to the Director within the 60-day comment period. The request should include reasons why the commenter feels that a public hearing is necessary. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

#### Drafting Information

The principal author of this document is Robert L. White, Research and

Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, other personnel of the Bureau and of the Treasury Department have participated in the preparation of this document, both in matters of substance and style.

#### Authority

Accordingly, under the authority in 27 U.S.C. 205, the Director proposes the amendment of 27 CFR Part 9 as follows:

#### PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.45 to read as follows:

#### Subpart C—Approved American Viticultural Areas

Sec.

\* \* \* \* \*

#### 9.45 Suisun Valley.

Paragraph 2. Subpart C is amended by adding § 9.45 to read as follows:

#### Subpart C—Approved American Viticultural Areas

#### § 9.45 Suisun Valley.

(a) *Name*. The name of the viticultural area described in this section is "Suisun Valley."

(b) *Approved maps*. The appropriate maps for determining the boundaries for Suisun Valley viticultural area are four U.S.G.S. maps. They are titled.

- (1) "Mt. George Quadrangle, California", 7.5 minute series;
- (2) "Fairfield North Quadrangle, California", 7.5 minute series;
- (3) "Fairfield South Quadrangle, California", 7.5 minute series; and
- (4) "Cordelia Quadrangle, California", 7.5 minute series.

(c) *Boundaries*. The Suisun Valley viticultural area is located in Solano County, California. The beginning point is the intersection of the Southern Pacific Railroad track with range line "R3W/R2W" in the town of Cordelia, located on U.S.G.S. map "Cordelia Quadrangle."

- (1) From the beginning point, the boundary runs northeast in a straight line to the intersection of Ledgewood Creek with township line "T5N/T4N";
- (2) Thence in a straight line in a northeast direction to Bench Mark (BM) 19 located in the town of Fairfield;
- (3) Thence in a straight line due north to Soda Springs Creek;
- (4) Thence in a straight line in a northwest direction to the extreme southeast corner of Napa County located just south of Section 34, Township 6 North, Range 2 West;

(5) Thence due west along the Napa/Solano County border to where it intersects with range line "R3W/R2W";

(6) Thence due south along range line "R3W/R2W" to the point of beginning.

Signed: October 6, 1981.

G. R. Dickerson,

Director.

Approved: December 8, 1981.

John M. Walker,

Assistant Secretary (Enforcement and Operations).

[FR Doc. 82-670 Filed 1-8-82; 8:45 am]

BILLING CODE 4810-31-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 123

[SW-5-FRL-2025-4]

#### Illinois Application for Interim Authorization; Phase I, Hazardous Waste Management Program; Extension of Comment Period

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Extension of public comment period.

**SUMMARY:** On November 4, 1981, the U.S. Environmental Protection Agency (EPA) announced the availability for public review of the Illinois application for Phase I Interim Authorization, invited public comments on the application, and gave notice of a December 8, 1981, public hearing (46 FR 54770). In response to several requests for an extension of time for the filing of comments, the comment period is extended to March 15, 1982.

**DATE:** Comments on the Illinois Phase I Interim Authorization application must be received by March 15, 1982.

**ADDRESSES:** Copies of the Illinois Phase I Interim Authorization application are available at the following addresses for inspection and copying by the public during normal business hours:

- (1) Illinois Environmental Protection Agency, Library, 2200 Churchill Road, Springfield, Illinois 62706, Telephone (217) 782-6760;
- (2) U.S. Environmental Protection Agency, Region V, Air and Hazardous Materials Division, Waste Management Branch, 111 West Jackson, Chicago, Illinois 60604; and
- (3) U.S. Environmental Protection Agency, Library, Room 2404, 401 M Street SW., Washington, D.C. 20460.

Written comments should be submitted to: Judy Kertcher, Chief, Regulatory Analysis and Information

Section, Waste Management Branch (5AHWM), U.S. Environmental Protection Agency, Region V, 111 West Jackson Boulevard, Chicago, Illinois 60604.

**FOR FURTHER INFORMATION CONTACT:** Lillian Bagus, Regulatory Analysis and Information Section, Waste Management Branch (5AHWM), U.S. Environmental Protection Agency, 111 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6142.

**SUPPLEMENTARY INFORMATION:** On October 20, 1981, the State of Illinois submitted its complete application for Phase I Interim Authorization of its hazardous waste management program. EPA announced availability for public review of the Illinois application on November 4, 1981 (46 FR 54770). The November 4, 1981, Federal Register also gave notice of a December 8, 1981, public hearing and requested the public to submit comments by December 18, 1981. At the hearing on December 8, 1981, several commenters requested an extension of time for the filing of comments. On December 14, 1981, the Illinois Environmental Protection Agency waived its right for a final determination on its Phase I Interim Authorization application until May 5, 1982. EPA accepted this waiver and suspended its final determination until May 5, 1982.

In response to the requests for an extension of time for the filing of comments, and in view of the suspended date for a final determination, EPA is today extending the comment period on Illinois' application. Comments on the Phase I Interim Authorization application submitted by Illinois on October 20, 1981, must be received by March 15, 1982.

Dated: December 30, 1981.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 82-669 Filed 1-8-82; 8:45 am]

BILLING CODE 5660-38-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

#### 43 CFR Part 4100

#### Grazing Administration—Exclusive of Alaska; Extension of Comment Period

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Proposed rule; Extension of comment period.

**SUMMARY:** This notice extends for a period of 30 days the time for filing of public comments on the proposed

rulemaking on 43 CFR Part 4100; Grazing Administration—Exclusive of Alaska, which amends the existing regulations on administration of livestock grazing on public rangelands. It has been determined that the comment period should be extended for an additional 30 days to provide the public with additional time to study the proposed rulemaking and submit their comments.

**DATE:** Comments should be received by February 11, 1982.

**ADDRESS:** Comments should be sent to: Director (140), Bureau of Land Management, 1800 C Street NW., Washington, D.C. 20240. Comments will be available for public review in Room 5555 of the above address during regular business hours (7:45 a.m. to 4:15 p.m), Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Paul Leonard, (202) 343-5841.

**SUPPLEMENTARY INFORMATION:** A proposed rulemaking to amend 43 CFR Part 4100, Grazing Administration—Exclusive of Alaska, was published in the Federal Register on November 13, 1981 (46 FR 56132) with a 60-day comment period ending on January 12, 1982. It has been determined that the comment period should be extended for an additional 30 days to provide the public with additional time to study the proposed rulemaking and submit their comments. This notice extends the comment period to February 11, 1982.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

January 4, 1982.

[FR Doc. 82-564 Filed 1-8-82; 8:45 am]

BILLING CODE 4310-84-M

## INTERSTATE COMMERCE COMMISSION

### 49 CFR Part 1031

[Ex Parte No. 52]

#### Filing of Statements of Divisions of Joint Rates Applicable to Railway Fuel

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of proposal to remove rule.

**SUMMARY:** The Commission is proposing to remove the present regulation at 49 CFR 1031.1 (the only section in Part 1031) which deals with filing of statements of divisions of joint rates applicable to railway fuel. Commission records show that such information has not been requested for some time. The proposal is based on findings that the rule is outdated, and on the efforts of the

Commission to streamline existing regulations.

**DATES:** Comments are due on or before February 10, 1982.

**ADDRESS:** An original and 15 copies of comments should be sent to: Room 5340, Interstate Commerce Commission, Washington, DC 20423.

**FOR FURTHER INFORMATION CONTACT:** Jane F. Mackall, (202) 275-7656.

**SUPPLEMENTARY INFORMATION:**

**Background**

The Commission is attempting to streamline existing regulations. The rule found at 49 CFR 1031.1 originated with Commission orders in 1915 and 1916. At that time there was concern that certain preferential divisions of joint rates for fuel coal were being made when one of the participating rail carriers was also the purchaser of such coal. Thus, the Commission was concerned that the

special division to the railroad shipper could be used improperly as a rebating mechanism. Accordingly, the Commission required the filing of all statements of divisions of joint rates applicable to railway fuel.

By subsequent notice in 1967, the Commission modified the rule so that carriers would be required to furnish such division sheets only upon request by the Commission. The wording of the rule has remained unchanged since that date.

Commission records indicate that we are not requesting such information and have not been for some time. The practices which the filing of division sheets were designed to correct have apparently been eliminated due to time and changed circumstances. In view of this and our current effort to insure that all regulations are pertinent and necessary, we seek comments on

whether to remove the rule found at 49 CFR 1031.1.

This decision does not significantly affect either the quality of the human environment or the conservation of energy resources.

We also certify that this action will not have a significant impact on a substantial number of small entities. The rail carriers involved are not small entities and, given the lack of action under the existing rule, repeal will have no impact at all.

Authority: 49 U.S.C. 10321, and 5 U.S.C. 553.

Decided: January 4, 1982.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam.

Agatha L. Mergenovich,  
*Secretary.*

[FR Doc. 82-819 Filed 1-8-82; 8:45 am]

BILLING CODE 7035-01-M

# Notices

Federal Register

Vol. 47, No. 8

Monday, January 11, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

### Committee on Public Access and Information; Cancellation of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-163), notice is hereby given that the meeting of the Committee on Public Access and Information scheduled for 9:30 a.m. Tuesday, January 12, 1982, in the Library of the Administrative Conference, 2120 L Street, NW., Washington, D.C. (see Notice at 46 FR 62882) has been cancelled. The meeting is expected to be re-scheduled at a later date.

For further information concerning this matter, contact Michael W. Bowers, Office of the Chairman, Administrative Conference of the United States, 2120 L Street, NW., Washington, D.C. (202-254-7065).

Richard K. Berg,  
General Counsel.

January 6, 1982.

[FR Doc. 82-578 Filed 1-8-82; 8:45 am]

BILLING CODE 6110-01-M

## ADVISORY COUNCIL ON HISTORIC PRESERVATION

### Meeting

Notice is hereby given in accordance with § 800.8(d)(3) of the Council's regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800), that the Advisory Council on Historic Preservation will meet on January 11, 1982, in Room 5160, General Services Administration, 18th and F Streets, NW., Washington, D.C. The meeting will begin at 9:00 a.m. The meeting is open to the public.

The Council was established by the National Historic Preservation Act of 1966 (16 U.S.C. 470) to advise the President and Congress on matters relating to historic preservation and to comment upon Federal, federally

assisted, and federally licensed undertakings having an effect upon properties listed in or eligible for inclusion in the National Register of Historic Places. The Council's members are the Architect of the Capitol; the Secretaries of the Interior; Agriculture; Housing and Urban Development; Treasury; Transportation; the General Services Administrator; the Chairman of the National Trust for Historic Preservation; the President of the National Conference of State Historic Preservation Officers; a Governor; a Mayor, and eight non-Federal members appointed by the President.

The agenda for the meeting includes the following:

- I. Credentials Committee Report
- II. Conflicts of Interest Regulations
- III. Report of Tax Study Task Force
- IV. Report of Federalism and Preservation Task Force
- V. Report of Regulations Review Task Force
- VI. Panel Report on Canal Place, New Orleans, Louisiana
- VII. Status Report on Lockfield Gardens, Indianapolis, Indiana
- VIII. New Business

Additional information concerning either the meeting agenda or the submission of oral and written statements to the Council is available from the Executive Director, Advisory Council on Historic Preservation, Suite 430, 1522 K Street, NW., Washington, D.C. 20005, 202-254-3967.

Dated: December 29, 1981.

Robert R. Garvey, Jr.,  
Executive Director.

[FR Doc. 82-577 Filed 1-8-82; 8:45 am]

BILLING CODE 4310-10-M

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

#### Joint Committee on the Future of Cooperative Extension; Meeting

Notice is hereby given that the Joint Committee on the Future of Cooperative Extension will meet January 27, 1982 from 5:00 to 8:00 p.m., January 28, 1982 from 8:30 a.m. to 4:30 p.m., and January 29, 1982 from 8:30 a.m. to 12:00 p.m. at the Key Bridge Marriott Hotel, 1401 Lee Highway, Arlington, Virginia.

The Committee's purpose is to advise the Secretary of Agriculture on policies and programs affecting the mission, future scope and priorities of

Cooperative Extension nationally throughout the 1980's and beyond. The agenda for the meeting will consist of a review of relevant earlier studies and discussion of the issues this Committee has been convened to address.

The meeting of the Joint Committee on the Future of Cooperative Extension is open to the public for observation on a space available basis.

For additional information contact Dr. Mary Nell Greenwood, Administrator, Extension Service, Room 340 Administration Building, 14th and Independence Ave., SW., Washington, D.C. 20250. Telephone 202/447-3377. Written comments may also be addressed to Dr. Greenwood.

Mary Nell Greenwood,  
Administrator, Extension Service.

[FR Doc. 82-626 Filed 1-8-82; 8:45 am]

BILLING CODE 3410-01-M

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Consolidated Decision on Applications for Duty-Free Entry of Accessories for Foreign Instruments

The following is a consolidated decision on applications for duty-free entry of accessories for foreign instruments pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially § 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 81-00239. Applicant: Arizona State University, Tempe, AZ 85281. Article: Ultra High Resolution Goniometer Cartridge, Model JEM 200CX-BLGH1. Manufacturer: Japan Electron Optical Labs., Ltd., Japan. Intended use of article: See Notice on page 36224 in the Federal Register of July 14, 1981. Article ordered: February 20, 1981. Advice submitted by: Department of Health and Human Services: October 21, 1981.

Docket No. 81-00281. Applicant: Center for Occupational & Environmental Health, (U.S. Public Health Service Hospital), 3100 Wymann Park Drive, Bldg. 6, Baltimore, MD 21211. Article: Universal Cassette for Photographic Changing Device with Airlock. Manufacturer: Siemens Corp.; West Germany. Intended use of article: See Notice on page 41544 in the *Federal Register* of August 17, 1981. Article ordered: June 4, 1980, Advice submitted by Department of Health and Human Services: October 21, 1981.

Comments: No comments have been received with respect to either of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States.

Reasons: The applications relate to compatible accessories for instruments that have been previously imported for the use of the applicant institutions. The articles are being manufactured by the manufacturers which produced the instruments with which they are intended to be used. We are advised by Department of Health and Human Services in their respectively cited memoranda that the accessories are pertinent to the applicant's intended uses and that it knows of no comparable domestic articles.

The Department of Commerce knows of no similar accessories manufactured in the United States which are interchangeable with or can be readily adapted to the instruments with which the foreign articles are intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

*Acting Director, Statutory Import Programs Staff.*

[FR Doc. 82-616 Filed 1-8-82; 8:45 am]

BILLING CODE 3510-25-M

#### **Institute for Astronomy; Decision on Application for Duty-Free Entry of Scientific Article**

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in

Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 81-00118. Applicant: Institute for Astronomy, 2680 Woodlawn Drive, Honolulu, HI 96822. Article: Optically contacted Piezo/capacitor tuned Fabrey-Perot Etalon w/ Stabilization System. Manufacturer: Queensgate Instrument Ltd., United Kingdom. Intended use of article: See Notice on page 20584 in the *Federal Register* of April 6, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a stabilized accuracy of better than  $\lambda/200$  with a surface quality better than  $\lambda/100$  and is coated for 93 percent reflectivity at a wavelength of 3900 Angstroms. The National Bureau of Standards advises in its memorandum dated October 22, 1981 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

*Acting Director, Statutory Import Programs Staff.*

[FR Doc. 82-614 Filed 1-8-82; 8:45 am]

BILLING CODE 3510-25-M

#### **Jet Propulsion Laboratory; Decision on Application for Duty-Free Entry of Scientific Article**

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2097 of the Department of Commerce

Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00243. Applicant: Jet Propulsion Laboratory, 4800 Oak Grove Drive, Pasadena, California 91103. Article: Millimeter Reflex Klystron, VRY 2131A. Manufacturer: Varian Associates, Ltd., Canada. Intended use of article: See Notice on page 36224 in the *Federal Register* of July 14, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a frequency range of 169-177 gigahertz. The National Bureau of Standards advises in its memorandum dated November 12, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

*Acting Director, Statutory Import Programs Staff.*

[FR Doc. 82-617 Filed 1-8-82; 8:45 am]

BILLING CODE 3510-25-M

#### **National Radio Astronomy Observatory; Decision on Application for Duty-Free Entry of Scientific Article**

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 81-00232. Applicant: National Radio Astronomy Observatory, Associated Universities, Inc., 2010 N.

Forbes Blvd., Suite 100, Tucson, AZ 85705. Article: Repair of Klystron, VRB 2113A30. Manufacturer: Varian Canada, Inc., Canada. Intended use of article: See Notice on page 36223 in the Federal Register of July 14, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a frequency range of 80-110 gigahertz. The National Bureau of Standards advises in its memorandum dated October 22, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82-612 Filed 1-8-82; 8:45 am]

BILLING CODE 3510-25-M

#### University of Illinois; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 81-00261. Applicant: University of Illinois, Urbana-Champaign Campus, Purchasing Division, 223 Administration, 506 South Wright Street, Urbana, Illinois 61801. Article: Thermally Simulated Current Measuring Apparatus. Manufacturer: Toyo Seiki Seisaku-Sho, Ltd., Japan. Intended use of article: See Notice on

page 40247 in the Federal Register of August 7, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a thermally stimulated discharge spectrum of polymer samples. The National Bureau of Standards advises in its memorandum dated November 9, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82-613 Filed 1-8-82; 8:45 am]

BILLING CODE 3510-25-M

#### University of Michigan; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 81-00230. Applicant: The University of Michigan, Ann Arbor, MI 48109. Article: Small Angle X-ray Camera with Accessories. Manufacturer: Anton Paar Corp., Austria. Intended use of article: See Notice on page 36223 in the Federal Register of July 14, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent

scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides measurements in the direct vicinity of the primary beam at very low angles. The National Bureau of Standards advises in its memorandum dated October 22, 1981 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82-615 Filed 1-8-82; 8:45 am]

BILLING CODE 3510-25-M

#### Wesley Medical Center; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00299. Applicant: Wesley Medical Center, 550 North Hillside, Wichita, Kansas 67214. Article: Automated Ultrasound Body Imager with Accessories. Manufacturer: Ausonics Ltd., Australia. Intended use of article: See Notice on page 42093 in the Federal Register of August 19, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is equipped with eight transducers which provide a large field of view and compound scanning. The Department of Health and Human Services advises in its memorandum dated October 21, 1981 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

*Acting Director, Statutory Import Programs Staff.*

[FR Doc. 82-618 Filed 1-8-82; 8:45 am]

BILLING CODE 3510-25-M

#### University of Chicago; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, NW, Washington, D.C. 20230.

Docket Number 81-00132. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 S. Cass Avenue, Argonne, Illinois 60439. Article: NMR Spectrometer, CXP 200 with Accessories. Manufacturer: Bruker-Physik, West Germany. Intended use of article: See Notice on page 20581 in the *Federal Register* of April 6, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States, at the time the foreign article was ordered (September 30, 1980).

Reasons: The foreign article provides a wide observation range (8.5—85 MHz

and at 200 MHz in solids). The most closely comparable domestic instrument is the Model NT-200 manufactured by Nicolet Instrument Corporation. At the time the foreign article was ordered, the NT-200 did not provide the wide observation range in solids. The National Bureau of Standards advises in its memorandum dated November 12, 1981 that (1) The capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use available at the time the foreign article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

*Acting Director, Statutory Import Programs Staff.*

[FR Doc. 82-610 Filed 1-8-82; 8:45 am]

BILLING CODE 3510-25-M

#### Northwestern University; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, NW, Washington, D.C. 20230.

Docket Number 81-00245. Applicant: Northwestern University, Department of Chemistry, Evanston, Illinois 60201. Article: Excimer Laser, Model EMG 101. Manufacturer: Lambda-Physik, West Germany. Intended use of article: See Notice on page 37302 in the *Federal Register* of July 20, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in

the United States at the time the foreign article was ordered (December 12, 1979).

Reasons: This application is a resubmission of Docket Number 80-00137 which was denied without prejudice to resubmission on September 18, 1980 for informational deficiencies. The foreign article provides a high average power of six watts and a repetition rate of .1—30 hertz. The National Bureau of Standards advises in its memorandum dated November 6, 1981 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use available at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

*Acting Director, Statutory Import Programs Staff.*

[FR Doc. 82-609 Filed 1-8-82; 8:45 am]

BILLING CODE 3510-25-M

#### National Aeronautics and Space Administration; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, NW, Washington, D.C. 20230.

Docket Number 81-00266. Applicant: National Aeronautics and Space Administration, Goddard Space Flight Center, Greenbelt, MD 20771. Article: Turbo Molecular Vacuum Pump, TPV 026, with Solid State Frequency Converter. Manufacturer: Pfeiffer Vakuum Technik GmbH, West Germany. Intended use of article: See Notice on page 41125 in the *Federal Register* of August 14, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article operates in the  $10^{-5}$  torr pressure range, and below, with a constant predictable pumping speed for all gases of interest. The National Bureau of Standards advises in its memorandum dated November 25, 1981 that (1) The capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82-607 Filed 1-8-82; 8:45 am]

BILLING CODE 3510-25-M

#### Clemson University; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket Number 81-00071. Applicant: Clemson University, Clemson, SC 29631. Article: Nuclear Magnetic Resonance Spectrometer, Model FX-90Q and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: See Notice on page 18566 in the *Federal Register* of March 25, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent

scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (August 3, 1979).

Reasons: This application is a resubmission of Docket Number 80-00107 which was denied without prejudice to resubmission on August 12, 1980 for informational deficiencies. The foreign article provides the capability for measuring  $T_1$  rho (spin-lattice relaxation in the rotating frame). The Model XL200 (the most closely comparable domestic instrument) manufactured by Varian Associates now provides this capability. However, at the time the foreign article was ordered it did not. The National Bureau of Standards advises in its memorandum dated September 8, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States at the time the foreign article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82-608 Filed 1-8-82; 8:45 am]

BILLING CODE 3510-25-M

#### National Aeronautics and Space Administration; Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket Number 81-00242. Applicant: National Aeronautics and Space Administration, (NASA Resident Office, Jet Propulsion Lab), 4800 Oak Grove

Drive, Pasadena, CA 91109. Article: Ion Microanalyzer, Model IMS-3F with Accompanying Accessories. Manufacturer: Cameca, France. Intended use of article: See Notice on page 36224 in the *Federal Register* of July 14, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides spatial resolving power of 10,000. The National Bureau of Standards advises in its memorandum dated October 30, 1981 that (1) The capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82-611 Filed 1-8-82; 8:45 am]

BILLING CODE 3510-25-M

#### University of Lowell; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 81-00314. Applicant: University of Lowell, College of Engineering, 1 University Avenue, Lowell, MA 01854. Article: Mobile Solar Test Facility, Model MSTF-1, Manufacturer: Solarfin Products, Ltd., Canada. Intended use of article: See

Notice on page 43730 in the Federal Register of August 31, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is an integrated system of thermometers, pyranometers, recorders, flowmeters and other apparatus designed to measure solar energy absorbed by different types of collectors. The National Bureau of Standards advises in its memorandum dated November 19, 1981 that (1) The capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82-667 Filed 1-8-82; 8:45 am]

BILLING CODE 3510-25-M

### Birch 3-Ply Doorskins From Japan; Final Results of Administrative Review of Antidumping Finding

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** Notice of final results of administrative review of antidumping finding.

**SUMMARY:** On August 17, 1981, the Department of Commerce published the preliminary results of its supplementary administrative review of the antidumping finding on birch 3-ply doorskins from Japan. These results covered three exporters of this merchandise to the United States not covered by the Department's previous review this year.

Interested parties were given an opportunity to submit oral or written comments on these preliminary results. Based on comments received from an exporter, the Department has made adjustments which result in revised

weighted average margins for that exporter.

**EFFECTIVE DATE:** January 11, 1982.

**FOR FURTHER INFORMATION CONTACT:** Brian Kelly or David R. Chapman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-2923/2657).

**SUPPLEMENTARY INFORMATION:**

#### Background

On February 18, 1976, an antidumping finding with respect to birch 3-ply doorskins from Japan was published in the Federal Register as Treasury Decision 76-48 (41 FR 7389). On June 30, 1980, the Department of Commerce ("the Department") published the final results of the administrative review of the finding (46 FR 33574-5). On August 17, 1981, the Department published in the Federal Register the preliminary results of its supplementary administrative review of the finding (46 FR 41541). The Department has now completed its administrative review of that finding.

#### Scope of the Review

The imports covered by this review are shipments of birch 3-ply doorskins manufactured in a variety of types, sizes, and colors. Birch 3-ply doorskins are currently classifiable under items 240.1420, 240.1440, and 240.1460 of the Tariff Schedules of the United States Annotated (TSUSA).

The review covers 3 exporters not covered by the Department's final results published earlier this year for the period January 1, 1979 through January 31, 1980. They are listed below in the final results of the review.

#### Analysis of Comments Received

As a result of comments submitted by an exporter, Toyo Menka Kaisha, we have adjusted the margins cited in the preliminary notice for that exporter. The comments involved clerical errors made in the analysis; these have been corrected. No other comments were received.

#### Final Results of the Review

As a result of adjustments made based on comments received and our subsequent analysis, we determine that the following weighted average margins exist:

Japanese exporter	Time period	Margin (per cent)
1. Nichimen Co., Ltd.....	1/1/79-1/31/80	0
2. C. Itoh & Co., Ltd. Mfr.—Sattsuru Veneer Co., Ltd.....	1/1/79-1/31/80	0

Japanese exporter	Time period	Margin (per cent)
Mfr.—Sanmoku Lumber Co., Ltd.....	1/1/79-1/31/80	0
Mfr.—Matsumoku Industries, Ltd.....	1/1/79-1/31/80	0
3. Toyo Menka Kaisha, Ltd. Mfr.—Sattsuru Veneer Co., Ltd.....	1/1/79-1/31/80	.12
Mfr.—Sanmoku Lumber Co., Ltd.....	1/1/79-1/31/80	0
Mfr.—Marutama Industries Co., Ltd.....	1/1/79-1/31/80	.01

The Department shall determine, and the U.S. Customs Service shall assess, duties on all entries made by these firms with purchase dates during the period involved. Individual differences between purchase price and foreign market value may vary from the percentages stated above. The Department will issue appraisal instructions separately on each exporter directly to the Customs Service.

As provided for by § 353.48(b) of the Commerce Regulations, a cash deposit based on the margins calculated above shall be required on all shipments by these firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results. For those manufacturers shipping through Toyo Menka with weighted average margins that are *de minimis*, that is, less than 0.5%, the Department waives the deposit requirement. For any shipment from a new exporter not covered in this administrative review or in the final results of June 30, 1981, unrelated to any covered firm, a cash deposit shall be required at the highest rate for responding firms with shipments during the most recent period covered by either review. This deposit requirement and waiver of deposit shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review by the end of February 1982.

(Sec. 751(a)(1), Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 Commerce Regulations (19,CFR 353.53))

Dated: January 5, 1982.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 82-606 Filed 1-8-82; 8:45 am]

BILLING CODE 3510-25-M

### Carbon Steel Bars and Structural Shapes From Canada; Preliminary Results of Administrative Review of Antidumping Finding

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** Notice of preliminary results of administrative review of antidumping finding.

**SUMMARY:** The Department of Commerce has conducted an administrative review of the antidumping finding on carbon steel bars, bars-shapes under 3 inches, and structural shapes 3 inches and over, manufactured by Western Canada Steel Limited and/or its subsidiary, the Vancouver Rolling Mills Limited of Vancouver, Canada. The review covers all but three direct shipments to the United States during all periods from October 1, 1972 through August 31, 1980. This review indicates the existence of dumping margins in particular periods. Three transactions are excluded from this review in order to collect more information from Western Canada Steel. Adjustments for similar merchandise appear appropriate for these three comparisons, but no adjustment could be made because of inadequate information. We will publish the results of the review of these three transactions in our next administrative review.

As a result of this review the Department has preliminarily determined to assess dumping duties equal to the calculated differences between purchase price and foreign market value on each of the direct shipments during the period of review.

**EFFECTIVE DATE:** January 11, 1982.

**FOR FURTHER INFORMATION CONTACT:** Michael Cox or Al Jemott, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-4033/4794).

**SUPPLEMENTARY INFORMATION:**

**Background**

On September 25, 1964, a dumping finding with respect to carbon steel bars, bars-shapes under 3 inches, and structural shapes 3 inches and over, manufactured by Western Canada Steel Limited and/or its subsidiary, the Vancouver Rolling Mills Limited of Vancouver, Canada, was published in the Federal Register as Treasury Decision 56264 (29 FR 13319). On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the Federal Register of

March 28, 1980 (45 FR 20511-20512) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on carbon steel bars and shapes from Canada. The substantive provisions of the 1921 Act and the appropriate Customs Service regulations apply to all unliquidated entries made prior to January 1, 1980.

**Scope of the Review**

Imports covered by this review are direct shipments of carbon steel bars, bar-shapes under 3 inches, and structural shapes 3 inches and over, manufactured by Western Canada Steel Limited and/or its subsidiary, the Vancouver Rolling Mills Limited of Vancouver, Canada. The carbon steel bars and structural shapes covered by this review are currently classifiable under item numbers 606.8300 and 609.8000 of the Tariff Schedules of the United States Annotated (TSUSA).

In their response to our questionnaire, Western Canada provided information on sales to domestic customers which they believed were destined for delivery to the United States. However, they were uncertain whether these shipments ultimately were shipped to the U.S. Therefore, this review is limited only to direct shipments made by Western Canada Steel during the period of review. Shipments by Western Canada Steel's domestic customers will be covered in our next administrative review.

The issue of the Department's obligation to conduct administrative review of entries, unliquidated as of January 1, 1980 and covered by previously issued appraisal instructions ("master lists"), is under review. Liquidation has been suspended pending disposition of the issue.

**Purchase Price**

The Department used purchase price, as defined in section 203 of the 1921 Act. Purchase price was based on the base price, excluding extras, to an unrelated purchaser in the United States. No other adjustments were claimed or allowed.

**Foreign Market Value**

In calculating foreign market value, the Department used home market price, as defined in section 205 of the 1921 Act.

Home market price was based on the base price, excluding extras, to unrelated home market purchasers. Size and quality extras were applied on a uniform basis in both markets; therefore, excluding them from the comparison is

equivalent to an adjustment for differences in the merchandise in accordance with § 153.11 of the Customs Regulations. No adjustments were claimed or allowed.

**Preliminary Results of the Review**

As a result of our comparison of purchase price to foreign market value, we preliminarily determine that the following margins exist:

Time period	Margin
Oct. 1, 1972 to Sept. 24, 1974.....	15.49%
Sept. 25, 1973 to Sept. 24, 1974.....	3.02%
Sept. 25, 1974 to Sept. 24, 1975.....	No direct shipments.
Sept. 25, 1975 to Sept. 24, 1976.....	No direct shipments.
Sept. 25, 1976 to Sept. 24, 1977.....	No direct shipments.
Sept. 25, 1977 to Sept. 24, 1978.....	12.59%
Sept. 25, 1978 to Sept. 24, 1979.....	No direct shipments.
Sept. 25, 1979 to Aug. 31, 1980.....	No direct shipments.

Interested parties may submit written comments on these preliminary results on or before February 10, 1982, and may request disclosure and/or a hearing within 15 days of the date of publication. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all entries made with purchase dates during the time period involved. Individual differences between purchase price and foreign market value may vary from the percentages stated above. The Department will issue appraisal instructions separately on the exporter directly to the Customs Service.

Further, as provided for by § 353.48(b) of the Commerce Regulations, a cash deposit of 12.59 percent, based upon information provided by the respondent covering all direct shipments to the United States for the latest period of this review during which there were shipments, shall be required on all direct shipments of carbon steel bars and structural shapes entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. For shipments of carbon steel bars and structural shapes produced by Western Canada Steel but shipped by another firm, a cash deposit of 2.93 percent shall be required. These requirements shall remain in effect until publication of the final results of the next administrative review.

(Sec. 751(a)(1), Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53, Commerce Regulations (19 CFR 353.53))

January 5, 1982.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 82-605 Filed 1-6-82; 8:45 am]

BILLING CODE 3510-25-M

### Water Circulating Pumps, Wet Motor Type, From United Kingdom; Final Results of Administrative Review of Antidumping Finding

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** Notice of final results of administrative review of antidumping finding.

**SUMMARY:** On November 4, 1981, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on water circulating pumps, wet motor type, from the United Kingdom. The review for the one known exporter covered the period July 1, 1978 through October 14, 1979.

Interested parties were given an opportunity to submit oral or written comments on these preliminary results. We received no comments.

**EFFECTIVE DATE:** January 11, 1982.

**FOR FURTHER INFORMATION CONTACT:**

Brian Kelly or David R. Chapman, Office of Compliance, International Trade Administration, Department of Commerce, Washington, D.C. 20230 (202-377-2923/2657).

**SUPPLEMENTARY INFORMATION:**

**Background**

On July 7, 1976, a dumping finding with respect to water circulating pumps, wet motor type, from the United Kingdom was published in the *Federal Register* as Treasury Decision 76-190 (41 FR 27843). The Treasury Department published a tentative revocation of the finding on October 15, 1979 (44 FR 59312), and a final revocation on January 4, 1980 (45 FR 1013-4). However, the period from July 1, 1978 through October 14, 1979, had not been examined by the Treasury Department at the time of final revocation. On November 4, 1981, the Department of Commerce ("the Department") published in the *Federal Register* a notice of the preliminary results of its administrative review for that period (46 FR 54789-90). The Department has now completed the administrative review of the finding.

### Scope of the Review

The imports covered by this review are water circulating pumps, wet motor type, from the United Kingdom, currently classifiable under items 660.9710-660.9756 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of one British firm engaged in the manufacture and export of water circulating pumps, wet motor type, to the United States, the Myson Group, Ltd. This review covers the period July 1, 1978 through October 14, 1979, for that firm.

### Final Results of the Review

The Department received no comments on the preliminary results of its review. Therefore the final results are the same as the preliminary results, and we determine that a weighted average margin of 0.38 percent exists for exports by the Myson Group, Ltd. during the review period.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties, if applicable, on all entries with export dates during the periods involved. Individual differences between exporter's sales price and foreign market value may vary from the percentage stated above. The Department will issue appraisal instructions directly to the Customs Service.

The weighted average margin for the period is *de minimis*, that is, less than 0.5 percent; this is consistent with the Treasury Department's revocation.

Sec. 751(a)(1), Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53))

Dated: January 5, 1982.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 82-604 Filed 1-6-82; 8:45 am]

BILLING CODE 3510-25-M

### Ski-Lifts and Parts Thereof From Italy; Revocation of Countervailing Duty Order

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** Notice of revocation of countervailing duty order.

**SUMMARY:** The Department of Commerce is revoking the countervailing duty order on ski-lifts and parts thereof from Italy because of the termination of an injury investigation by the International Trade Commission. All entries of this merchandise made on or after April 3,

1980, shall be liquidated without regard to countervailing duties.

**EFFECTIVE DATE:** January 11, 1982.

**FOR FURTHER INFORMATION CONTACT:** Paul J. McGarr, Office of Compliance, Room 2802, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1167).

**SUPPLEMENTARY INFORMATION:** On November 22, 1968, a final countervailing duty determination on ski-lifts and parts thereof from Italy, T.D. 68-288, was published in the *Federal Register* (33 FR 17291).

On April 3, 1980, the International Trade Commission ("the ITC") notified the Department of Commerce ("the Department") that an injury determination for this order had been requested under section 104(b) of the Trade Agreements Act of 1979 ("the TAA"). Therefore, following the requirements of that section, liquidation was suspended on April 3, 1980 on all shipments of ski-lifts and parts thereof from Italy entered, or withdrawn from warehouse, for consumption on or after that date.

On August 7, 1981, the Department published the final results of its administrative review of this order as required by section 751 of the Tariff Act of 1930 (46 FR 40244). The Department determined that a net subsidy on ski-lifts and parts thereof from Italy, ranging from 15 to 35 lire per kilogram of this merchandise, was being conferred during the period of review and reported that rate to the ITC.

On December 9, 1981, the ITC published its termination of the countervailing duty investigation under section 104(b) of the TAA due to the original petitioner's withdrawal of its petition. The termination of this investigation has the same effect as a determination that an industry in the United States would not be materially injured, or threatened with material injury, by reason of imports from Italy of ski-lifts and parts thereof covered by the countervailing duty order if the order were revoked (46 FR 60289). As a result, the Department is revoking the countervailing duty order concerning ski-lifts and parts thereof from Italy (T.D. 68-288) with respect to all merchandise entered, or withdrawn from warehouse, for consumption on or after April 3, 1980, the date the Department received notification of the request for an injury determination.

The Department will instruct Customs officers to proceed with liquidation of all unliquidated entries of this merchandise made on or after April 3,

1980 without regard to countervailing duties and to refund any estimated countervailing duties collected with respect to these entries. Entries, or withdrawals from warehouse, for consumption made prior to April 3, 1980, are subject to countervailing duties as set forth in the final results of the administrative review.

(Sec. 104(b)(4)(B), TAA (19 U.S.C. 1671 note))

Dated: January 5, 1982.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 82-603 Filed 1-8-82; 8:45 am]

BILLING CODE 3510-25-M

### Semiconductor Technical Advisory Committee; Partially Closed Meeting

**AGENCY:** International Trade Administration, Commerce.

**SUMMARY:** The Semiconductor Technical Advisory Committee was initially established on January 3, 1973, and rechartered on September 18, 1981 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to semiconductors, or technology, and (D) exports of the aforementioned commodities subject to unilateral and multilateral controls which the United States established or in which it participates including proposed revisions of any such controls.

**TIME AND PLACE:** February 2, 1982 at 9:30 a.m. The meeting will take place at the Main Commerce Building, Room 3104, 14th Street and Constitution Ave., NW, Washington, D.C.

#### AGENDA:

##### General Session

- (1) Opening remarks by the Chairman.
- (2) Presentation of papers or comments by the public.
- (3) Update of the COCOM schedule for the list review.
- (4) Subcommittee reports:
  - a. Discrete semiconductor device,
  - b. Microcircuits, and
  - c. Semiconductor Manufacturing Materials and Equipment.

### Executive Session

(5) 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. 552(b)(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 FURTHER 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: January 6, 1982.

Vincent F. DeCain,

Acting Director, Office of Export Administration.

[FR Doc. 82-668 Filed 1-8-82; 8:45 am]

BILLING CODE 3510-25-M

### DEPARTMENT OF DEFENSE

#### Office of the Secretary

#### Defense Science Board: Advisory Committee Meeting

The Defense Science Board will meet in closed session 10-11 February 1982 in the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of

Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

A meeting of the Board has been scheduled for 10-11 February 1982 to discuss interim findings and tentative recommendations resulting from ongoing Task Force activities associated with Strategic, Tactical, Intelligence/Command, Control and Communications, and Technology Issues. The Board will also discuss plans for future consideration of scientific and technical aspects of specific strategies, tactics, and policies as they may affect the U.S. national defense posture.

In accordance with 5 U.S.C. App. I 10(d) (1976), it has been determined that this Defense Science Board meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly this meeting will be closed to the public.

Dated: January 6, 1982.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 82-627 Filed 1-8-82; 8:45 am]

BILLING CODE 3810-01-M

### DEPARTMENT OF ENERGY

#### International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangements Between the U.S. and Canada

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Canada Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following sale: contract Number S-CA-313, to Atomic Energy of Canada, Ltd., 200 milligrams of plutonium-242, to be used for research studies of complexation and hydrolysis of plutonium in aqueous salt solutions.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than January 26, 1982.

Dated: January 5, 1982.

For the Department of Energy.

Harold D. Bengelsdorf,

Director, Office of International Nuclear and Non-Proliferation Policy.

[FR Doc. 82-573 Filed 1-8-82; 8:45 am]

BILLING CODE 6450-01-M

**International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangement Between the U.S., EURATOM and Norway**

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the Government of Norway Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the following retransfer:

RTD/EU (NO)-36, from Norway to the United Kingdom, four irradiated fuel pins containing 1,266 grams of uranium, 123.4 grams of U-235 (9.75% enrichment) and 3.6 grams of plutonium for post irradiation examination. Upon completion of the examination, the material is to be stored for approximately three years, and then returned to the United States for final disposition.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that approval of this retransfer will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than January 26, 1982.

Dated: January 5, 1982.

For the Department of Energy.

Harold D. Bengelsdorf,

Director, Office of International Nuclear and Non-Proliferation Policy.

[FR Doc. 82-574 Filed 1-8-82; 8:45 am]

BILLING CODE 6450-01-M

**International Atomic Energy Agreements; Civil Uses Proposed Subsequent Arrangement Between the U.S., EURATOM and Sweden**

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for

Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the Government of Sweden Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval for the retransfer of two irradiated fuel spheres containing 1.144 grams of uranium and 0.174 grams of U-235 (15.21% enrichment) and one unirradiated fuel sphere containing 1.15 grams of uranium and 1.02 grams of U-235 (88.70% enrichment) from Sweden to the Federal Republic of Germany for post-irradiation examination.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that approval of this retransfer, designated as RTD/EU(SW)-63 will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than January 26, 1982.

Dated: January 5, 1982.

For the Department of Energy.

Harold D. Bengelsdorf,

Director, Office of International Nuclear and Non-Proliferation Policy.

[FR Doc. 82-572 Filed 1-8-82; 8:45 am]

BILLING CODE 6450-01-M

**International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangements Between the U.S. and Australia and the U.S. and EURATOM**

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Australia Concerning Peaceful Uses of Nuclear Energy, and the Additional Agreement for Cooperation between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangements to be carried out under the above mentioned agreements involve approval for the supply of the following materials:

Contract Number S-AU-110, to the Department of Science, Jabiru, N.T., Australia, 21.2 grams of natural uranium.

Contract Number S-EU-705, to the Laboratory of the Government Chemist, London, the United Kingdom, 0.001 grams of plutonium.

The above listed materials are to be used as standard reference materials.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than January 26, 1982.

Dated: January 5, 1982.

For the Department of Energy.

Harold D. Bengelsdorf,

Director, Office of International Nuclear and Non-Proliferation Policy.

[FR Doc. 82-576 Filed 1-8-82; 8:45 am]

BILLING CODE 6450-01-M

**International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangements Between the U.S. and Finland and the U.S. and Korea**

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Agreement for Cooperation Between the Government of the United States of America and the Governments of Finland and the Republic of Korea Concerning Civil Uses of Atomic Energy.

The subsequent arrangements to be carried out under the above mentioned agreements involve approval for the sale of the following materials:

Contract Number S-FI-11, 0.2 grams of uranium, enriched to 99.82% in U-235, for use as standard reference material by the Geological Survey of Finland.

Contract Number S-KO-12, 184 grams of natural uranium for use as standard reference material by the Korean Advanced Energy Research Institute.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than January 26, 1982.

Dated: January 5, 1982.

For the Department of Energy.

Harold D. Bengelsdorf,

Director, Office of International Nuclear and Non-Proliferation Policy.

[FR Doc. 82-575 Filed 1-8-82; 8:45 am]

BILLING CODE 6450-01-M

**Office of Hearings and Appeals****Cases Filed; Week of December 11 through December 18, 1981**

During the week of December 11, through December 18, 1981, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of

Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of

notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*  
December 31, 1981.

**LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS**

[Week of Dec. 11 through Dec. 18, 1981]

Date	Name and location of applicant	Case No.	Type of submission
Dec. 14, 1981	Gulf Oil Corporation, Houston, Texas	HEX-0007	Supplemental Order. If granted: The November 24, 1981 Decision and Order (Case No. BEX-0180) issued to Gulf Oil Corporation would be modified with respect to the firm's entitlement purchase obligations.
Dec. 15, 1981	Texaco, Inc., Washington, D.C.	HRZ-0010	Interlocutory Order. If granted: The Office of Special Counsel for Compliance would be deemed to have admitted certain factual representations set forth in Texaco Inc.'s Statement of Factual Objections to a Proposed Remedial Order issued to the firm (Case No. DRO-0199).
Dec. 16, 1981	Little America Refining Company, Washington, D.C.	HYZ-0008	Supplemental Order. If granted: The DOE would review the entitlements exception relief granted to Little America Refining Company during its fiscal year ended June 30, 1980 to determine whether the level of relief accorded the firm was appropriate.
Dec. 16, 1981	Office of Special Counsel, Washington, D.C.	HRZ-0009	Interlocutory Order. If granted: The Office of Hearings and Appeals would dismiss certain of the proposed findings of fact set forth in Standard Oil Company of Ohio's Statement of Factual Objections to a Proposed Remedial Order issued to the firm (Case No. DRO-0197), and other factual representations therein would be deemed to have been admitted by the office of Special Counsel.

[FR Doc. 82-570 Filed 1-8-82; 8:45 am]

BILLING CODE 6450-01-M

**Issuance of Proposed Decision and Order; Week of December 14 Through December 18, 1981**

During the week of December 14 through December 18, 1981, the proposed decision and order summarized below was issued by the Office of Hearings and Appeals of the Department of Energy with regard to an application for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written Notice of Objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a notice of objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of

the proposed decision and order. In the statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of this proposed decision and order are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*  
December 31, 1981.

*Mid-America Refining Co., 12/14/81, DEE-1959, BEE-1117*

Mid-America Refining Co., Inc. filed two Applications for Exception from the provisions of 10 C.F.R. § 211.67 (the Entitlements Program). The exception requests, if granted, would (i) relieve Mid-America of its entitlement purchase obligations during the period May through October 1978 and (ii) provide Mid-America with additional entitlements for the period April 1980 through the end of the Entitlements Program in order to bring the firm's average post-entitlements crude oil acquisition costs into substantial parity with those of other domestic refiners. On November 14, 1981, the Department of Energy issued a Proposed

Decision and Order which determined that the two exception requests should be denied.

[FR Doc. 82-571 Filed 1-8-82; 8:45 am]

BILLING CODE 6450-01-M

**ENVIRONMENTAL PROTECTION AGENCY**

[A-10-FRL-2025-1]

**Issuance of PSD Permits to ARCO Alaska, Inc. and Gorge Energy Co.**

Notice is hereby given that on December 29, 1981, the Environmental Protection Agency (EPA) issued a Prevention of Significant Deterioration (PSD) permit to Gorge Energy Company for approval to construct a 15-megawatt coal- and wood-fired boiler and turbine facility at Bingen, Washington, and a PSD permit to ARCO Alaska, Inc. to install additional gas-fired turbines and heaters in the oil field at Kuparuk, Alaska.

These permits have been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR Part 52.21) regulations, subject to certain conditions specified in the permits.

Under Section 307(b) of the Clean Air Act, judicial review of a PSD Permit is available *only* by the filing of a petition for review in the Ninth Circuit Court of Appeals within 60 days of today. Under Section 307(b)(2) of 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 by EPA to enforce these requirements.

Copies of the permits are available for public inspection upon request at the following location: EPA, Region 10, 1200 Sixth Avenue, Room 11C, M/S 524, Seattle, Washington 98101.

Dated: December 29, 1981.

John R. Spencer,

Regional Administrator.

[FR Doc. 82-636 Filed 1-9-82; 8:45 am]

BILLING CODE 6560-38-M

[PRM-FRL-2026-2]

### List of EPA Information Collections Cleared by OMB

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This notice lists all the EPA information collections that have been cleared by the Office of Management and Budget (OMB) as of December 31, 1981. All other information collections covered by the Paperwork Reduction Act of 1980 (Pub. L. 96-511) (The "Act") are subject to the Act's public protection clause (Section 3512). Under this clause, the public cannot be penalized for failing to respond to information collections that are covered by the Act and have not received OMB clearance. EPA offers this list to help the public determine the status of the Agency's information collections covered by the Act.

**FOR FURTHER INFORMATION CONTACT:** N. Phillip Ross, Chief, Statistical Policy Staff, Environmental Protection Agency, PM-223, (202) 382-2742.

The Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* (the "Act") applies whenever the Environmental Protection Agency (EPA) wishes to collect, or sponsor the collection of, information from people or organizations outside the Federal government. The only exceptions are cases where the information will be collected from fewer than ten people or organizations, or for information collections connected with certain investigatory or enforcement actions described in section 3518(c) of the Act.

Where the Act *does* apply, the information collection must be cleared in advance by the Director of the Office of Management and Budget (OMB). In addition, where the collection will involve the use of standard forms (or questionnaires), these forms must either display a current OMB clearance

number of state that the collection is not subject to the Paperwork Reduction Act. If an EPA information collection does not satisfy these requirements then—after December 31, 1981—no one can be penalized for failing to maintain the specified records, or provide the requested information (See the public protection clause in section 3512 of the Act).

Because of the Act's requirements, the public will be able to tell whether an information collection has OMB clearance by looking for the OMB clearance number on any forms that the collection may involve. However, some EPA information collections do not use standard forms. For example, recordkeeping and telephone reporting do not involve any prescribed forms. In such cases, there may be no easy way for the public to tell if a request has OMB clearance. To help the public determine this, EPA is providing a list of information collections that OMB has cleared as of December 31, 1981. In addition, whenever OMB clears an EPA information collection (after December 31, 1981), EPA will publish notice of this in the *Federal Register*. This will either be as a separate notice or as part of a notice of rulemaking.

Joseph A. Cannon,

Acting Associate Administrator for Policy and Resource Management.

Citation	Title	OMB No. 2000-
WATER PROGRAMS		
40 CFR 35.915.....	Construction Grant Project State Priority Certification.	0028
40 CFR 112.....	Spill Prevention Control and Countermeasure Plan and Review.	0244
40 CFR 122.4.....	Permittees must keep Records of Application Data.	0170
40 CFR 122.7.....	Compliance Schedule Reports.....	0246
40 CFR 122.7.....	Report Inaccurate Previous Information.	0202
40 CFR 122.7.....	Reporting of Facility and Permit Transfer.	0200
40 CFR 122.7.....	Report of Anticipated Non-compliance and Other Non-compliance.	0199
40 CFR 122.7.....	NPDES Report of Planned Changes in Permitted Facility.	0198
40 CFR 122.7.....	Record Monitoring of Data.....	0171
40 CFR 122.10.....	Evidence of Public Commitment To Terminate.	0203
40 CFR 122.15.....	Request for Modification, Revocation and Reissuance, or Termination of the Permit.	0190
40 CFR 122.18.....	Quarterly Noncompliance Reports.	0245
40 CFR 122.35.....	Identification of Underground Sources of Drinking Water and Exempted Aquifers.	0335
40 CFR 122.37.....	Permitted Inventory Information.....	0164
40 CFR 122.37.....	States Notification to Permittees of Duty To Submit Inventory Information.	0164
40 CFR 122.52.....	Demonstration of Pollutant Load Allocations.	0192
40 CFR 122.53.....	Information To Determine if a Facility is a New Source.	0262
40 CFR 122.53.....	Request for Fundamentally Different Factors Variance.	0194
40 CFR 122.53.....	Form 2c Consolidated Permit Application Forms.	0059
40 CFR 122.53.....	Form 2b Concentrated Animal Feeding Operations.	0060
40 CFR 122.53.....	Form 1—Consolidated Permit General Information.	0061
40 CFR 122.53.....	301(h) Variance Application.....	0172
40 CFR 122.53.....	316(a) Variance Application.....	0197
40 CFR 122.53.....	301(k) Variance Application.....	0196
40 CFR 122.53.....	301 (c) and (g) Variance Requests (Non-Conventional Pollutants).	0195
40 CFR 122.60.....	Reporting Permit Violations.....	0201
40 CFR 122.60.....	Report of Extra Monitoring Data.....	0173
40 CFR 122.61.....	Excessive Discharge Report.....	0175
40 CFR 122.61.....	POTW/Change in Users' Discharge.	0176
40 CFR 123.8.....	Recordkeeping Requirements for Compliance Evaluation Programs.	0180
40 CFR 123.13.....	State Program Revision Submission.	0181
40 CFR 123.53.....	State Progress Reports.....	0346
40 CFR 123.55.....	State Response to Alleged Noncompliance.	0349
40 CFR 123.74.....	State Information Transmission for NPDES.	0179
40 CFR 124.....	Permit Consolidation Request.....	0182
40 CFR 124.4.....	Applicant's Consent for Consolidation of PSD Permit.	0183
40 CFR 124.5.....	Modification of Permit Application.	0184
40 CFR 124.53.....	State Certification of EPA-Issued Permits.	0185
40 CFR 124.54.....	State Certification of 301(h) Variances.	0186
40 CFR 403.7.....	Removal Credit Approval Request.	0333
40 CFR 403.9.....	POTW Pretreatment Program Approval Request.	0325
40 CFR 403.10.....	State Pretreatment Program Approval Request.	0328
40 CFR 403.12.....	POTW—Compliance Schedule Work Plan.	0319
40 CFR 403.12.....	Industrial Pretreaters Compliance Schedule Reports.	0320
40 CFR 403.12.....	Industrial Pretreater Slug Load Notification.	0334
40 CFR 403.12.....	POTW Maintenance of Monitoring Records.	0332
40 CFR 403.12.....	Industrial Pretreaters Compliance Attainment Report.	0322
40 CFR 403.13.....	Fundamentally Different Factors Variance Requests.	0326
40 CFR 403.15.....	Net/Gross Request: Credit for Intake Water Pollution.	0327
CWA 104.....	Report of Pollution-Caused Fish Kill/Abnormalities.	0008
CWA 308.....	Plan of Data Collection for CWA Sections 301, 304, 306, 307.	0047
CWA 308/402.....	Effluent Toxicity Testing Services Questionnaire.	0372
CWA 402.....	Best Management Practices Plans.	0187
CWA 404.....	Transmission of Information to EPA and Other Federal Agencies.	0214
CWA 404.....	Preparation of Revised Permit.....	0258
MPSA 103.....	Application To Discharge Waste to Ocean & Reporting on Location, Amount, Type Material.	0039
FWPCA 304.....	NPDES Permit Application To Discharge Waste Water—Short Forms A, C, D.	0023
Pub. L. 92-500.....	Economic Analysis of a Nationwide Urban Runoff Program.	0379
None.....	State Overview Information.....	0239
None.....	Program Requirements for Interim Authorization.	0304
None.....	Application for Training (NCUIH, NCRH, NCAPC, NCHS).	0001
None.....	Water Supply Cost Study.....	0115
None.....	State Conducted Inventory of Injection Wells.	0056
None.....	NPDES Permit Application To Discharge Wastewater—Forms A, C.	0025
None.....	Estimate of Municipal Wastewater Treatment Facility Requirements.	0034

Citation	Title	OMB No. 2000-	Citation	Title	OMB No. 2000-	Citation	Title	OMB No. 2000-
None	Survey of Operating & Financial Characteristics of Community Water Systems.	0389	AIR, NOISE AND RADIATION PROGRAMS			40 CFR 61.43	Beryllium Rocket Motor Firing and Disposal—Recordkeeping and Reporting.	0240
None	Category Determination Report...	0324	19 CFR 1273	Importation of Motor Vehicles/Engines Subject to Federal Air Pollution Control Regulations.	0040	40 CFR 61.53	NESHAPS Subpart E—Reporting and Recordkeeping of Stack Sampling and Sludge Sampling.	0243
None	State Drinking Water Supply Program Information.	0043	40 CFR 60.7	NSPS Subparts P, Q, R—Primary Copper, Lead and Zinc Smelter Monitoring Requirements.	0142	40 CFR 61.68	NESHAPS Subpart F—Emission Monitoring & Semiannual Reporting.	0204
PESTICIDES AND TOXIC SUBSTANCES PROGRAMS			40 CFR 60.7	Monitoring Requirements for Granular Triple Superphosphate Storage Facilities.	0142	40 CFR 80	Lead Additive Report for Refiners and Manufacturing Site.	0041
40 CFR 2	Affirmation of Non-Multinational Status for Pesticide Information.	0383	40 CFR 60.7	NSPS Part 60 Subpart K: Storage Vessels for Petroleum Liquids—Monitoring.	0142	40 CFR 80	On Site Inspection Report.....	0165
40 CFR 162	Application for Supplemental Registration for Distributors.	0014	40 CFR 60.7	Portland Cement Plant Monitoring Provisions.	0142	40 CFR 80	Unleaded Gasoline Field Inspection.	0222
40 CFR 162.30	Application for FIFRA Product Classification Section 24(c).	0384	40 CFR 60.7	Emission Monitoring and Reporting Requirements for Electric Utility Steam Generating Unit.	0142	40 CFR 80	Motor Vehicle Tampering Survey.	0169
40 CFR 167.2	Application for Registration of Pesticides Producing Establishments.	0382	40 CFR 60.7	Notification Requirements—New Source Performance Standards.	0147	40 CFR 85	Compliance Demonstration by Importers of Motor Vehicles/Engines.	0228
40 CFR 167.5	Pesticides Report for Pesticide Producing Establishments.	0029	40 CFR 60.7	Excess Emissions Report and Recordkeeping Requirements for New Modified Kraft Pulp Mills.	0142	40 CFR 85	Request for Testing Exemption and Notification of Termination of Testing.	0226
40 CFR 169.2	Recordkeeping Requirements for Pesticide Producers.	0354	40 CFR 60.7	Record of Start-ups, Shut-downs, and Malfunctions.	0145	40 CFR 85.1509	Proposed Recordkeeping Requirements Concerning Imported Motor Vehicles.	0228
40 CFR 762.70	Report on Production of Fully Halogenated Chlorofluorocarbons (CFC Report).	0358	40 CFR 60.7	Written Notification of Modification or Reconstruction Under New Source Performance Standards.	0144	40 CFR 85.1701	Precertification Exemption—Recordkeeping.	0226
7 U.S.C. 136	Notice of Arrival of Pesticides and Devices.	0239	40 CFR 60.7	Emission Monitoring for Nitric Acid Plants.	0142	40 CFR 85.1703	Request for Vehicle Exclusion from CAA.	0217
7 U.S.C. 136	Recordkeeping Requirements for Pesticide Dealers and Applicators.	0352	40 CFR 60.7	Emission Monitoring for Sulfuric Acid Plants.	0142	40 CFR 85.1802	Emission Recall Audit Program Owner Questionnaire.	0227
7 U.S.C. 136	Pesticide Applicator Certification Form.	0355	40 CFR 60.7	Monitoring Requirements for Lime Manufacturing Plants.	0142	40 CFR 85.1901	Emission Defect Information Report/Records.	0227
7 U.S.C. 136	Application for Registration of Pesticide-Producing Establishments.	0353	40 CFR 60.7	Monitoring Requirements for Electric Arc Furnaces in Steel Plants.	0142	40 CFR 85.2101	Vehicle Owner's Manuals and Warranty Statements.	0167
7 U.S.C. 136	Acknowledgement Statement by Foreign Purchaser of Unregistered Pesticide.	0230	40 CFR 60.7	Monitoring Requirements for Phosphate Fertilizer Plants.	0142	40 CFR 86	Selective Enforcement Auditing—Automobile.	0225
15 U.S.C. 2607	Reporting Chemical Substances for Inventory, TSCA Section 8 (a) and (b).	0074	40 CFR 60.7	Monitoring Requirements for Coal Preparation Plants.	0142	40 CFR 86	Light Duty Vehicle Emission Test Results.	0225
15 U.S.C. 2610	Declaration of TSCA Confidential Business Information.	0351	40 CFR 60.7	Request for Use of Alternative or Equivalent Method or Waiving of Performance Test.	0316	40 CFR 86	Non-Compliance of Motor Vehicles with Federal Emissions Standards.	0038
15 U.S.C. 2611	Chemical Imports and Exports—Notification of Exports.	0359	40 CFR 60.45	Emission and Fuel Monitoring for Fossil Fuel-Fired Steam Generators.	0142	40 CFR 86 & 600	Applications for Motor Vehicle Emission Certification and Fuel Economy Labeling.	0390
FIFRA 5	Application for Experimental Use Permit for Pesticides.	0013	40 CFR 60.53	Incinerator Monitoring Provisions.	0142	40 CFR 87	Temporary Exemption from Aircraft Smoke Emission Standards.	0223
FIFRA 8	FIFRA Section 8a, Books and Records.	0064	40 CFR 60.105	NSPS Part 60 Subpart J: Petroleum Refineries—Excess Emission Reports.	0142	42 U.S.C. 7410	Pilot Household Survey of Ozone Perception Data in Washington, D.C.	0365
FIFRA 29	Annual Report on Conditional Registrations.	0385	40 CFR 60.143	Monitoring Requirements for Basic Oxygen Process Furnaces in Iron and Steel Plants.	0142	CAA 110	National Emissions Data System (NEDS) Input Data Forms.	0022
TSCA	WHO/UNEP Sponsored Biological Monitoring Program.	0378	40 CFR 60.153	Monitoring Requirements for Sewage Treatment Plants.	0142	CAA 114	Stage I Vapor Recovery Inspection Form.	0224
TSCA	Blanket Clearance Request for Human and Environmental Survey and Analysis Program.	0277	40 CFR 60.184	Monitoring Requirements for Primary Aluminum Reduction Plants.	0142	CAA 114	National Inventory Survey of Pollution Sources.	0235
TSCA 5	Premanufacture Notification Interim Policy—Domestic Manufacturers and Importers.	0054	40 CFR 60.423	Excess Emissions Report for New, Modified or Reconstructed Ammonium Sulfate Plants.	0142	CAA 120	Information Required From Stationary Air Sources for Non-compliance Penalties.	0093
TSCA 8	Reporting Identities of Trade Name Chemical Products.	0055	40 CFR 60.762	Emission and Operations Monitoring Requirements for Ferroalloy Production Facilities.	0142	CAA 203	Vehicle Information Report Forms.	0218
TSCA 8	Notice of Substantial Risk Pursuant to TSCA 8.	0369	40 CFR 60.783	NSPS Subpart MM—Automobile and Light Duty Truck Surface Coating.	0142	CAA 203	Proof of Exportation of Motor Vehicles and Engines.	0228
TSCA 10	National Household Garden Survey.	0140	40 CFR 61.07	NESHAPS Application for Approval of Construction or Modification.	0248	CAA 207	Vehicle Emission Control System Defect Survey.	0227
None	National Adipose Tissue Survey..	0392	40 CFR 61.09	NESHAP Notification of Start-up and Waiver Request.	0249	None	Catalyst Procurement Information.	0221
None	Pesticide Applicatory Questionnaires.	0130	40 CFR 61.10	NESHAPS Source Reporting and Waiver Request.	0250	None	Catalyst Lead Survey.....	0166
POLICY AND RESOURCE MANAGEMENT PROGRAMS			40 CFR 61.22	NESHAP Subpart B—Demolition and Renovation Notification.	0264	None	Inspection/Maintenance Station Audit.	0168
40 CFR 35.1550	Survey of Households for Estimating Recreation and Related Benefits of Improved Water Quality.	0381	40 CFR 61.32	Beryllium Sources Emission Test Reporting—Request for Alternative Procedures.	0205	None	Verification of Test Parameters and Parts List.	0227
REGION VIII PROGRAMS								
CAA	Air Pollution Knowledge and Attitudes Along Utah Wasatch Front.	0127						
REGION V PROGRAMS								
None	Sample Request Form.....	0139						
			SOLID WASTE PROGRAMS			40 CFR 262.41	Phase I—Hazardous Waste Regulations.	0062
						40 CFR 264	Temporary Information Requirements for Land Disposal Facilities.	0380

Citation	Title	OMB No. 2000-
40 CFR 264	Closure and Post-Closure Activities for Hazardous Waste Management Facilities.	0380
40 CFR 264	Location Requirements for Hazardous Waste Management Facilities.	0380
40 CFR 264	Information Requirements for Hazardous Waste Storage and Treatment Facilities.	0380
40 CFR 264	Information Requirements for Hazardous Waste Incinerators.	0380
RCRA 3001/3007	Hazardous Waste Industry Studies—Pretest.	0396
RCRA 3010	Notification of Hazardous Waste Management Activity.	0098
RCRA 4005	Open Dump Inventory Report.	0099
None	DMS Community Identification Screening.	0110
None	DMS Community Impact Survey.	0113
None	Submission of Subject Facility Spill Prevention and Control Countermeasure Plans.	0244

## ADMINISTRATIVE PROGRAMS

None	Title VI, Compliance Report.	0006
None	President's Environmental Youth Awards.	0018
None	Application for Certification of Pollution Control Facility.	0004
None	Labor Law Compliance Review.	0019
None	Comment Form Calendar of Federal Regulations.	0097
4 CFR 15-16.850	Contractor's Cumulative Claim and Reconciliation.	0005
40 CFR 30.315	Application for Federal Assistance (EPA Research, Demonstration and Training Programs).	0066
40 CFR 35.937	Cost or Price Summary Format for Subagreements Under U.S. EPA Grants.	0126
40 CFR 46.120	Fellowship Applicant Qualifications Inquiry.	0009
15 CFR 337	Supplemental Qualification Statement.	0135
40 U.S.C. 483	Report of Nonexpendable Government Property Acquired by Contractor.	0125
Fed Proc Reg.	Contractor Report of Costs Incurred in Responding to Hazardous Substance Emergencies.	0285
CWA 105	Application for Federal Assistance (Non-Construction).	0137
None	Funds Transfer Deposit.	0069
None	Notice of Research Project.	0017

## RESEARCH AND DEVELOPMENT PROGRAMS

40 CFR 40.110	Review Panel Selection System Questionnaire.	0388
40 CFR 79	Fuel Additive Manufacturer Notification.	0011
40 CFR 79	Fuel Manufacturer Notification for Motor Vehicle Gasoline.	0283
None	Public Health Aspects of Viruses in Water.	0010
None	Total Exposure Assessment Methodology (TEAM) Study.	0364
Pub. L. 93-523	Laboratory Performance Evaluation.	0044

[FR Doc. 82-835 Filed 1-8-82; 8:45 am]

BILLING CODE 6560-39-M

## FEDERAL RESERVE SYSTEM

## Allied Bancshares, Inc.; Acquisition of Bank

Allied Bancshares, Inc., Houston, Texas, has applied for the Board's approval under 3(a)(3) of the Bank Holding Company Act (12 U.S.C.

1842(a)(3)) to acquire 100 percent of the voting shares, less directors' qualifying shares, of Lakewood Bank and Trust Company, Dallas, Texas. The factors that are considered in acting on the application are set forth in 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 February 2, 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, January 5, 1982.

Theodore E. Downing, Jr.,  
Assistant Secretary of the Board.  
[FR Doc. 82-560 Filed 1-8-82; 8:45 am]

BILLING CODE 6210-01-M

## Chebelle Corp.; Formation of Bank Holding Company

Chebelle Corporation, Solon, Iowa, 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 Chelsea Savings Bank, Belle Plaine, Iowa. 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 Reserve Bank, to be received not later than January 29, 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, January 5, 1982.

Theodore E. Downing, Jr.,  
Assistant Secretary of the Board.  
[FR Doc. 82-561 Filed 1-8-82; 8:45 am]

BILLING CODE 6210-01-M

## Far-Mer Bankshares, Inc.; Formation of Bank Holding Company

Far-Mer Bankshares, Inc., Reyno, Arkansas, 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 91.4 per cent or more of the voting shares of Farmers & Merchants Bank, Reyno, Arkansas. 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 St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 26, 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, January 5, 1982.

Theodore E. Downing, Jr.,  
Assistant Secretary of the Board.  
[FR Doc. 82-562 Filed 1-8-82; 8:45 am]

BILLING CODE 6210-01-M

## First Bancshares of Texas, Inc.; Formation of Bank Holding Company

First Bancshares of Texas, Inc., Longview, Texas, has applied for the Board's approval under 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 per cent of the voting shares of the following: Cushing Bancshares, Inc., Cushing, Texas, and thereby indirectly acquire The First National Bank of Cushing, Cushing, Texas; Van Bancshares, Inc., Van, Texas, and thereby indirectly acquire First State Bank, Van, Texas; White Oak Bancshares, Inc., White Oak, Texas and thereby indirectly acquire White Oak State Bank, White Oak, Texas; The First National Bank of Bonham, Bonham, Texas; The First National Bank of Claude, Claude, Texas; The First National Bank of Itasca, Itasca, Texas, and Fannin Bank, Windom, Texas. The factors that are considered in acting on the application are set forth in 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 29, 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, January 5, 1982.

Theodore E. Downing, Jr.,  
Assistant Secretary of the Board.

[FR Doc. 82-583 Filed 1-8-82; 8:45 am]

BILLING CODE 6210-01-M

### First Community Bank Group, Inc.; Formation of Bank Holding Company

First Community Bank Group, Incorporated, Burlington, Wisconsin, has applied for the Board's approval under 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 First Bank and Trust Company, Burlington, Wisconsin. The factors that are considered in acting on the application are set forth in 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 Reserve Bank, to be received not later than January 25, 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, January 5, 1982.

Theodore E. Downing, Jr.,  
Assistant Secretary of the Board.

[FR Doc. 82-584 Filed 1-8-82; 8:45 am]

BILLING CODE 6210-01-M

### First Continental Bancshares, Inc.; Formation of Bank Holding Company

First Continental Bancshares, Inc., Harvey, Louisiana, has applied for the Board's approval under 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 of the successor by merger to the First National Bank of Jefferson Parish, Gretna, Louisiana and

Continental Bank, Harvey, Louisiana. The factors that are considered in acting on the application are set forth in 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 February 4, 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, January 5, 1982.

Theodore E. Downing, Jr.,  
Assistant Secretary of the Board.

[FR Doc. 82-585 Filed 1-8-82; 8:45 am]

BILLING CODE 6210-01-M

### HNB Corp.; Formation of Bank Holding Company

HNB Corporation, Homer, Louisiana, has applied for the Board's approval under 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 percent or more of the voting shares of The Homer National Bank, Homer, Louisiana. The factors that are considered in acting on the application are set forth in 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 February 3, 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, January 5, 1982.

Theodore E. Downing, Jr.,  
Assistant Secretary of the Board.

[FR Doc. 82-586 Filed 1-8-82; 8:45 am]

BILLING CODE 6210-01-M

### NBD Bancorp, Inc., and West Michigan Financial Corp.; Acquisition of Bank

NBD Bancorp, Inc., Detroit, Michigan, and its wholly-owned subsidiary West

Michigan Financial Corporation, Cadillac, Michigan, both registered bank holding companies, have applied for the Board's approval under 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Northland State Bank, Kalkaska, Michigan. This represents a corporate reorganization whereby an existing bank subsidiary of these Applicants will transfer certain of its assets to Bank. The factors that are considered in acting on the application are set forth in 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 Reserve Bank to be received not later than February 2, 1982. Any comment on an application that request 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, January 5, 1982.

Theodore E. Downing, Jr.,  
Assistant Secretary of the Board.

[FR Doc. 82-587 Filed 1-8-82; 8:45 am]

BILLING CODE 6210-01-M

### North Plaza Bancshares, Inc.; Formation of Bank Holding Company

North Plaza Bancshares, Inc., Topeka, Kansas, has applied for the Board's approval under 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 percent or more of the voting shares of North Plaza State Bank, Topeka, Kansas. The factors that are considered in acting on the application are set forth in 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 February 2, 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, January 5, 1982.

Theodore E. Downing, Jr.,

*Assistant Secretary of the Board.*

[FR Doc. 82-598 Filed 1-8-82; 8:45 am]

BILLING CODE 6210-01-M

#### Northern Trust Corp.; Acquisition of Bank

Northern Trust Corporation, Chicago, 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 percent of the voting shares of Bank, presently Security Trust Company of Sarasota, N.A., Sarasota, Florida. 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 Reserve Bank to be received not later than February 3, 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, January 5, 1982.

Theodore E. Downing, Jr.,

*Assistant Secretary of the Board.*

[FR Doc. 82-599 Filed 1-8-82; 8:45 am]

BILLING CODE 6210-01-M

#### Paraclete Bancorp.; Formation of Bank Holding Company

Paraclete Bancorp., Afton, Iowa, 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 percent or more of the voting shares of Commercial State Bank, Afton, Iowa. 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 Reserve Bank, to be received not later than January 22, 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, January 5, 1982.

Theodore E. Downing, Jr.,

*Assistant Secretary of the Board.*

[FR Doc. 82-590 Filed 1-8-82; 8:45 am]

BILLING CODE 6210-01-M

#### Amarillo National Bancorp, Inc.; Formation of Bank Holding Company

Amarillo National Bancorp, Inc., Amarillo, 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 percent or more of the voting shares of Amarillo National Bank, Amarillo, 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 February 3, 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, January 4, 1982.

Theodore E. Downing, Jr.,

*Assistant Secretary of the Board.*

[FR Doc. 82-630 Filed 1-8-82; 8:45 am]

BILLING CODE 6210-01-M

#### Conifer Group, Inc.; Acquisition of Bank

The Conifer Group, Inc., Worcester, Massachusetts, 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 Commonwealth National Corporation, Boston, Massachusetts. 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 Conifer Group, Inc., Worcester, Massachusetts, is also engaged in the following nonbank activities: providing management consulting advice to nonaffiliated banks and electronic data processing activities. 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 Boston. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 4, 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, January 5, 1982.

Theodore E. Downing, Jr.,

*Assistant Secretary of the Board.*

[FR Doc. 82-594 Filed 1-8-82; 8:45 am]

BILLING CODE 6210-01-M

#### Corporate Bankshares, Inc.; Formation of Bank Holding Company

Corporate Bankshares, Inc., Overland Park, Kansas, 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 of Corporate Woods State Bank, Overland Park, Kansas. 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 Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than February 3, 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, January 4, 1982.

Theodore E. Downing, Jr.,

*Assistant Secretary of the Board.*

[FR Doc. 82-631 Filed 1-9-82; 8:45 am]

BILLING CODE 6210-01-M

**Keyesport Bancshares, Inc.; Formation of Bank Holding Company**

Keyesport Bancshares, Inc., Keyesport, Illinois, 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 percent or more of the voting shares of State Bank of Keyesport, Keyesport, 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 St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 3, 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, January 4, 1982.

**Theodore E. Downing, Jr.,**  
*Assistant Secretary of the Board.*

[FR Doc. 82-632 Filed 1-8-82; 8:45 am]

BILLING CODE 6210-01-M

**Mid-Central Bancshares Corp.; Formation of Bank Holding Company**

Mid-Central Bancshares Corporation, Charleston, Illinois, 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 of The Charleston National Bank, Charleston, 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 Reserve Bank, to be received not later than January 26, 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, January 4, 1982.

**Theodore E. Downing, Jr.,**  
*Assistant Secretary of the Board.*

[FR Doc. 82-633 Filed 1-8-82; 8:45 am]

BILLING CODE 6210-01-M

**Prairie Bancorp, Inc.; Formation of Bank Holding Company**

Prairie Bancorp, Inc., Bloomington, Illinois, 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 Prairie State Bank, Bloomington, 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 Reserve Bank, to be received not later than February 4, 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, January 5, 1982.

**Theodore E. Downing, Jr.,**  
*Assistant Secretary of the Board.*

[FR Doc. 82-593 Filed 1-8-82; 8:45 am]

BILLING CODE 6210-01-M

**Unibank Corp.; Formation of Bank Holding Company**

Unibank Corporation, Council Bluffs, Iowa, 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 percent or more of the voting shares of First National Bank of Council Bluffs, Council Bluffs, Iowa. 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 Reserve Bank, to be received not later than January 29, 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, January 5, 1982.

**Theodore E. Downing, Jr.,**  
*Assistant Secretary of the Board.*

[FR Doc. 82-596 Filed 1-8-82; 8:45 am]

BILLING CODE 6210-01-M

**Uptown Bancorporation, Inc.; Formation of Bank Holding Company**

Uptown Bancorporation, Inc., Moline, Illinois, 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 percent or more of the voting shares of Uptown National Bank of Moline, Moline, 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 Reserve Bank, to be received not later than January 29, 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, January 5, 1982.

**Theodore E. Downing, Jr.,**  
*Assistant Secretary of the Board.*

[FR Doc. 82-595 Filed 1-8-82; 8:45 am]

BILLING CODE 6210-01-M

**Washington Independent Bancshares, Inc.; Formation of Bank Holding Company**

Washington Independent Bancshares, Inc., Tacoma, 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 of Central Valley Bank, N.A., Toppenish, 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 February 2, 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, January 4, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-634 Filed 1-8-82; 8:45 am]

BILLING CODE 6210-01-M

#### Westlake Bancshares, Inc.; Formation of Bank Holding Company

Westlake Bancshares, Inc., Austin, 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 percent or more of the voting shares of Westlake National Bank, 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)).

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 February 4, 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, January 5, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-597 Filed 1-8-82; 8:45 am]

BILLING CODE 6210-01-M

#### FEDERAL TRADE COMMISSION

##### Line of Business Reports Program; Confidentiality Procedures—Adoption of Final Procedures as to LB Reports for 1973, 1974-76, 1977, and Future Years

###### Correction

In FR Doc. 81-36879 appearing on page 62703 in the issue for Monday December 28, 1981, make the following correction:

On page 62704, first column, under **For Further Information About These Procedures Contact**, the telephone number for Joanne L. Levine now reading, "202-254-8179" should have read "202-254-8170".

BILLING CODE 1505-01-M

##### Quarterly Financial Reports Program; Confidentiality Procedures

###### Correction

In FR Doc. 81-36880 appearing on page 62708 in the issue for Monday, December 28, 1981, make the following corrections:

(1) On page 62709, third column, in footnote 3, last two lines, ". . . described in n. 1." should have read ". . . described in n. 2.

(2) On page 62710, second column, in the first two lines of the first complete paragraph, ". . . (nn. 1 & 2, *supra*) . . ." should have read ". . . (nn. 2 & 3, *supra*) . . .".

BILLING CODE 1505-01-M

#### GENERAL SERVICES ADMINISTRATION

[E-81-38]

##### Delegation of Authority to Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the New Mexico Public Service Commission, Case No. 1694.

2. *Effective date.* This delegation is effective immediately.

###### 3. Delegation.

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Executive agencies of the Federal Government in proceedings before the

New Mexico Public Service Commission involving the application of the El Paso Electric Company to recover an increased franchise fee levied against the Company by the City of Las Cruces, New Mexico, Case No. 1694.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration (GSA), and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Defense shall add GSA to its service list in this case so that GSA will receive copies of testimony, briefs and other Department of Defense filings.

Dated: December 29, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 82-621 Filed 1-8-82; 8:45 am]

BILLING CODE 6820-AM-M

[E-81-39]

##### Delegation of Authority to Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Texas Public Service Commission involving electric rates, Docket 3960.

2. *Effective date.* This delegation is effective immediately.

###### 3. Delegation.

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Texas Public Service Commission involving the petition of the City Park Neighborhood Association for Relief from Rates Set by the City of Austin. Outside the City Limits for an investigation into electrical rates set by the Austin Municipal Electric Department, Docket 3960.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration (GSA), and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Defense shall add GSA to its service list in this case so that GSA will receive copies of testimony, briefs, and other Department of Defense filings.

Dated: December 29, 1981.

Ray Kline,  
Acting Administrator of General Services.

[FR Doc. 82-625 Filed 1-8-82; 8:45 am]

BILLING CODE 6820-AM-M

[E-81-40]

### Delegation of Authority to Secretary of Energy

1. *Purpose.* This delegation authorizes the Secretary of Energy to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Nevada Public Service Commission involving cost-based rate design for Sierra Pacific Power Company and Nevada Power Company, Docket No. 2357-Sub-3.

2. *Effective date.* This delegation is effective immediately.

#### 3. Delegation.

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Energy to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Nevada Public Service Commission (PSC) involving the PSC's rulemaking proceeding to adopt General Order #33 as its regulations concerning cost-based rate design for Sierra Pacific Power Company and Nevada Power Company, Docket No. 2357-Sub-3.

b. The Secretary of Energy may redelegate this authority to any officer, official, or employee of the Department of Energy.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration (GSA), and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Energy shall add GSA to its service list in this case so that GSA will receive copies of

testimony, briefs, and other Department of Energy filings.

Dated: December 30, 1981

Ray Kline,  
Acting Administrator of General Services.

[FR Doc. 82-624 Filed 1-8-82; 8:45 am]

BILLING CODE 6820-AM-M

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

#### Public Health Service

#### Assessment of Medical Technology; Single and Multiple Channel Transcutaneous Electrical Stimulators

The Public Health Service (PHS) through the Office of Health Research, Statistics, and Technology (OHRST) announces that it is coordinating an assessment of what is known of the safety and clinical effectiveness of single and multiple channel transcutaneous electrical stimulators (TENS) for treatment of chronic and acute pain. The PHS assessment consists of a synthesis of information obtained from appropriate organizations in the private sector and from PHS agencies and others in the Federal government.

PHS assessments are based on the most current knowledge concerning the safety and clinical effectiveness of a technology. Based on this assessment, a PHS recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide OHRST with information relevant to this assessment should do so in writing no later than April 12, 1982. The information being sought is a review and assessment of past, current, and planned research related to this technology, a bibliography of published controlled clinical trials and other well designed clinical studies, and other information related to the clinical acceptability and relative utility of this technology. In addition, would you comment on the categories of patients (specific disease conditions) that would benefit from single versus multiple channel TENS therapy. Proprietary information is not being sought.

Written material should be submitted to: Medical and Scientific Evaluation Staff, Office of Health Research, Statistics and Technology, Room 17A40, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

#### FOR FURTHER INFORMATION CONTACT:

Dennis J. Cotter, Health Science Analyst, at the above address or by telephone (301) 443-4990.

Dated: December 29, 1981.

Wayne C. Richey, Jr.,  
Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 82-643 Filed 1-8-82; 8:45 am]

BILLING CODE 4160-17-M

### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

#### Office of Environment and Energy

[Docket No. NI-90]

#### Intended Environmental Impact Statement; Ocean County, NJ

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared under HUD programs as described in the appendix: Three Retirement Communities, Ocean County, New Jersey. This notice is required by the Council on Environmental Quality under its rules (40 CFR Part 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning the project to the specific person or address indicated in the appropriate part of the appendix.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a notice in the *Federal Register* a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the Notice in the *Federal Register*, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C., December 28, 1981.

Francis G. Haas,  
Deputy Director, Office of Environment and Energy.

#### Appendix.—Combined EIS on Three Planned Retirement Communities, Ocean County, New Jersey

The Camden Service Office, Department of Housing and Urban Development, Camden, New Jersey,

intends to prepare an Environmental Impact Statement (EIS) for three planned retirement communities in Ocean County, New Jersey.

*Description:* Leisure Technology Corporation of Lakewood, New Jersey plans to develop the following retirement communities in Northern Ocean County: Leisure Knoll (Manchester Township), Leisure Village West (Manchester Township), and Westlake Village (Jackson Township). Leisure Knoll is located on the north side of State Route 70, just east of Route 37. A total of 743 fee simple units on 174 acres are planned to be constructed at Leisure Knoll. Leisure Village West is located across Route 70 from Leisure Knoll. A total of 1,372 condominium units are proposed to be constructed on an area of 487 acres. Westlake Village is located approximately five miles north of Leisure Knolls and Leisure Village West between County Road 528 and Vanhiseville-Bennett Mill Road (just south of Robins Estates). Proposed development at Westlake Village consists of the construction of 3,675 units on 1,090 acres. The proposed projects are requesting assistance under Title X of the National Housing Act.

*Need:* An EIS will be prepared due to the size and scope of the three proposed projects as well as potential impacts on soil, water, and public service resources.

*Alternatives:* The alternatives to be considered include: accept the projects as currently proposed by the developer; accept the projects with conditions or modifications; or no build/no project. The no build/no project alternative would consist of HUD rejecting the developer's Title X application. The projects could be developed under the no build/no project alternative without HUD participation and without HUD requiring compliance with Federal regulations.

*Scoping:* HUD will hold a scoping meeting in accordance with the Council on Environmental Quality EIS Regulations (40 CFR Part 1500). This meeting will be open to all persons, groups, organizations and governmental agencies. HUD invites respondents to identify significant issues to be addressed in the EIS, data which should be incorporated in the EIS, and cooperating agencies. The time and place of this scoping meeting will be announced at a later date by notice in a local newspaper of general circulation. HUD also will mail notices of scoping meeting to Federal, State and Local public agencies as well as private organizations and groups responding to this Notice.

*Comments:* Comments should be sent on or before February 1, 1982 to: Mr.

Elmer L. Roy, Supervisor, HUD Service Office, 519 Federal Street, Camden, New Jersey, 08103. The commercial telephone number of this office is 609/757-5107, and the FTS number is 488-5081.

[FR Doc. 82-566 Filed 1-8-82; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. NI-91]

### Intended Environmental Impact Statement; Burlington County, NJ

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared under HUD programs as described in the appendix: Leisuretowne, Southampton Township, Burlington County, New Jersey. This notice is required by the Council on Environmental Quality under its rules (40 CFR Part 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning the project to the specific person or address indicated in the appropriate part of the appendix.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a notice in the *Federal Register* a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the notice in the *Federal Register*, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C., December 28, 1981.

Francis G. Haas,

Deputy Director, Office of Environment and Energy.

### Appendix.—EIS on the Proposed Residential Development at Leisuretowne, Southampton Township, Burlington County, New Jersey

The Camden Service Office, Department of Housing and Urban Development, Camden, New Jersey intends to prepare an Environmental

Impact Statement (EIS) for a planned retirement community in Burlington County, New Jersey.

*Description:* Leisure Technology Corporation of Lakewood, New Jersey plans to develop an addition to the present retirement community at Leisuretowne in Southampton Township, Burlington County, New Jersey. Leisuretowne is located along the north side of New Jersey Route 70, approximately two miles east of Red Lion Circle (U.S. Route 206). The Master Plan for the development at Leisuretowne proposes the construction of 1,980 units over an area of 649 acres. The proposed project is requesting assistance under Title X of the National Housing Act.

*Need:* An EIS is proposed since the total number of proposed units exceed HUD's threshold requirements and since the potential development may raise issues related to water quality, soil resources, the Pinelands, and a sanitary landfill.

*Alternatives:* The alternatives to be considered by HUD in the EIS include: accept the project as currently proposed by the developer; accept the project with conditions or modifications; and no build/no project. The no build/no project alternative consists of HUD rejecting the Title X Application. The proposed project could be developed under the no build/no project alternative without HUD participation and without HUD requiring compliance with Federal regulations.

*Scoping:* HUD will hold a scoping meeting in accordance with the Council on Environmental Quality EIS Regulations (40 CFR Part 1500). This meeting will be open to all persons, groups, organizations and governmental agencies. HUD invites respondents to identify significant issues to be addressed in the EIS, data which would be incorporated in the EIS, and cooperating agencies. The time and place of this scoping meeting will be announced at a later date by notice in a local newspaper of general circulation. HUD also will mail notices of the scoping meeting to Federal, State and Local public agencies as well as private organizations and groups responding to this Notice.

*Comments:* Comments should be sent on or before February 1, 1982 to: Mr. Elmer L. Roy, Supervisor, HUD Service Office, 519 Federal Street, Camden, New Jersey, 08103. The commercial telephone number of this office is 609/757-5107, and the FTS number is 488-5081.

[FR Doc. 82-565 Filed 1-8-82; 8:45 am]

BILLING CODE 4210-01-M

## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

## Utah; Invitation to Participate in Coal Exploration Program Royal Land Company

December 30, 1981.

Royal Land Company is inviting all qualified parties to participate in a program for the exploration of coal reserves on Jason Creek near Emery, Utah. The lands are located in Sanpete County, Utah, and are described as follows:

## Township 20 South—Range 4 East, SLM

Section 12: All                      Section 13: All

## Township 20 South—Range 5 East, SLM

Section 7: All	Section 21: All
Section 8: All	Section 22: All
Section 9: All	Section 23: All
Section 10: All	Section 24: All
Section 13: S½	Section 25: All
Section 14: All	Section 26: All
Section 15: All	Section 27: N½
Section 16: All	Section 35: All
Section 17: All	Section 36: All
Section 18: All	

## Township 21 South—Range 5 East, SLM

Section 1: All

## Township 20 South—Range 6 East, SLM

Section 28: W½	Section 31: All
Section 29: All	Section 32: All
Section 30: All	Section 33: W½

## Township 21 South—Range 6 East, SLM

Section 4: Lots 3, 4,	Section 8: All
S½NW¼, SW¼	Section 8: N½
Section 5: All	Section 9: NW¼

Containing 18,687.66 Acres, more or less. Any party electing to participate in this exploration program must send written notice of such election to the Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111, and to Mr. James D. Copen, Staff Geologist, Royal Land Company, 925 South Niagara, Suite 600, Denver, Colorado 80224. Such written notice must be received February 10, 1982.

Any party wishing to participate in this exploration program must be qualified to hold a lease under the provisions of 43 CFR 3472.1 and must share all cost on a pro rata basis. A copy of the exploration plan, as submitted by Royal Land Company, is available for public review during normal business hours, in the following office, under Serial No. U-50071: Bureau of Land Management, Room 1400,

University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

Ronald J. Younger,

Acting Chief, Division of Operations.

[FR Doc. 82-620 Filed 1-8-82; 8:45 am]

BILLING CODE 4310-84-M

## National Park Service

## River Management Plan for Canyonlands National Park

AGENCY: National Park Service, Interior.

ACTION: Notice of Availability of River Management Plan.

**SUMMARY:** The National Park Service announces that the approved river management plan for Canyonlands National Park, Utah, is available to the public. The plan presents a means to accommodate recreational uses of the Colorado and Green Rivers within the park. Both private and commercial boat operations traverse these rivers under permit from the National Park Service. The plan provides for a scheduling system that would allow both motorized and non-motorized boats on the rivers. This system would avoid concentrations of use and sociological and environmental impacts which have occurred in the past. The plan raises the ceiling of river use passengers from the past ceiling of 6,660 to a new level of 8,000 passengers. Under this new ceiling, 365 passenger units will be allocated to each of nineteen commercial boat operators for a total commercial allocation of 6,935 passengers. Non-commercial boat operators will receive a total block of 750 passenger units, which is more than double the non-commercial allocation available in the past. This is consistent with the historical ratio of commercial-non-commercial use of the rivers. A block of 315 passenger units remain unassigned as a "pool" to accommodate special populations or changes in use demand from the commercial and non-commercial permittees.

Other aspects of the plan include permitting unstructured camping along the rivers while retaining the prerogative to close areas to camping as necessary for resource protection or to rehabilitate a site; regulation of campfire use; requiring that all solid human waste be carried out of the park; permitting only such development as necessary for archeological and historical stabilization projects and minimal trail work; providing information to river users, including training of boatmen in river techniques and interpretation of park resources; and protecting endangered and threatened fishes.

An environmental assessment was prepared in 1979. Public workshops were held during 1979 in Moab and Salt Lake City, Utah and Denver, Colorado. In 1981 the draft river management plan was sent to some 800 individuals and organizations. The final plan available from this announcement reflects the responses received from this public involvement.

The National Park Service has determined that the plan is not a major Federal action that will have a major effect on the environment. Because of this finding of no significant impact, an environmental impact statement will not be prepared.

## FOR FURTHER INFORMATION CONTACT:

Mr. Peter L. Parry, Superintendent, Canyonlands National Park, 446 South Main Street, Moab, Utah 84532, Telephone (801) 259-7164.

Dated: December 30, 1981.

L. Lorraine Mintzmyer,

Regional Director, Rocky Mountain Region.

[FR Doc. 82-638 Filed 1-9-82; 8:45 am]

BILLING CODE 4310-70-M

## Office of the Secretary

## Request for Information Regarding Oil and Gas Rentals

AGENCY: Office of the Secretary, Interior.

ACTION: Request for information regarding oil and gas rentals.

**SUMMARY:** In order to prepare a report to Congress on the impacts of noncompetitive oil and gas lease rental rates, the Department of the Interior is requesting that industry and other interested members of the public provide it with information regarding acquisition and exploration behavior and the role of rentals in reaching decisions regarding the same.

DATES: Comments by February 10, 1982.

ADDRESS: Comments should be sent to: Office of Policy Analysis, U.S. Department of Interior, 1800 C Street, N.W., Room 5136, Washington, D.C. 20240.

## FOR FURTHER INFORMATION CONTACT:

Abraham E. Haspel, (202) 343-6007.

**SUPPLEMENTARY INFORMATION:** The Omnibus Budget Reconciliation Act of 1981 directs the Secretary of the Interior "to conduct a study and report to Congress within one year of the date of the enactment of this Act, regarding the current annual rental charges on all noncompetitive oil and gas leases to investigate the feasibility and effort of raising such rentals." To this end the Department is requesting assistance

from the oil and gas industry and other interested members of the public. It would be helpful for the preparation of this report for the Department to receive information and comments describing the lease acquisition and exploration processes and the role which rentals play in these processes. Specifically, information of the following nature would be useful: The number of leases and acreage held; length of time leases are held during which rentals are paid; the level of activity on these leases; financial costs of lease acquisition, rental payments, and exploration, each as a percent of the overall annual budget; the role which rental payments and other factors (e.g., cost of capital, labor, price of oil) play in the decision to acquire and to hold Federal oil and gas lease; and how specific operations would be affected if rental rates were to be increased (e.g., how many less wells might be drilled, how much less acreage might be acquired).

Dated: January 6, 1982.

Wm. D. Bettenberg,

Deputy Assistant Secretary of the Interior.

[FR Doc. 82-596 Filed 1-8-82; 8:45 am]

BILLING CODE 4310-10-M

## INTERSTATE COMMERCE COMMISSION

### 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-4-1

Decided: January 5, 1982.

By the Commission, Review Board No. 2, Members Carleton, Werner, and Williams.

MC 111947 (Sub-12), filed December 21, 1981. Applicant: VAN CURLER TRUCKING CORP., 121 LaGrange Ave., Rochester, NY 14613. Representative: Mark W. Leunig, 700 Midtown Tower, Rochester, NY 14604, (716) 232-6500. Transporting *general commodities* (except classes A and B explosives), between points in NY, on the one hand, and, on the other, points in NJ, PA, and OH.

MC 13087 (Sub-60), filed December 21, 1981. Applicant: STOCKBERGER

TRANSFER & STORAGE, INC., 534 Second St., SW., Mason City, IA 50401. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. Transporting *such commodities* as are dealt in by wholesale and retail grocery houses, between points in IL, IN, IA, KS, MI, MN, MO, NE, ND, OH, SD, and WI.

MC 144667 (Sub-26), filed December 22, 1981. Applicant: ARTHUR E. SMITH & SON TRUCKING, INC., P.O. Box 1054, Scottsbluff, NE 69361. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, (402) 475-6761. Transporting *Mercer commodities*, between points in CO, NE, and WY, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 152537, filed December 21, 1981. Applicant: WIN WILLIAMS TRUCKING CO., INC., 901 Cos St., Liberty, TX 77575. Representative: Damon R. Capps, 1300 Main St., Suite 1230, Houston, TX 77002, (713) 658-8101. Transporting *Mercer commodities, metal products, pipe, plastic and plastic articles and machinery*, between points in TX, OK, LA, NM, CO, and WY.

MC 154667 (Sub-6), filed December 18, 1981. Applicant: B. I. TRANSPORTATION, INC., P.O. Box 691, Burlington, NC 27215. Representative: J. Franklin Fricks, Jr., (same address as applicant), (919) 228-2239. Transporting *textile mill products*, between points in the U.S., under continuing contract(s) with Kayser-Roth Hosiery, Inc., of Burlington, NC.

MC 156127 (Sub-1), filed December 22, 1981. Applicant: PAGE TRANSPORTATION, INC., P.O. Box 2086D, Oswego, NY 13126. Representative: Herbert M. Canter, 305 Montgomery St., Syracuse, NY 13202, (315) 472-8845. Transporting (1) *pulp, paper and related products, plastic articles, and metal products*, between points in Oswego County, NY, on the one hand, and, on the other, points in CA, KS, and points in and east of MI, OH, KY, TN, GA, and FL, (2) *machinery*, between points in Oswego County, NY, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (3) *metal products*, between points in Onondaga County, NY, on the one hand, and, on the other, points in CA, and points in and east of MN, IA, MO, OK, and TX.

MC 157217, filed December 18, 1981. Applicant: GARY PUTNAM, d.b.a. GARY PUTNAM TRUCKING, 4716 Alpine Dr., Klamath Falls, OR 97601. Representative: Gary Putnam (same address as applicant), (503) 882-9545. Transporting *lumber mill products*,

wall board, siding and building materials, between points in OR, WA, and CA.

MC 159787 filed December 18, 1981. Applicant: NEWGEN TRANSPORTATION COMPANY, 1101 E. Capital Ave., Jefferson City, MO 65101. Representative: James C. Swearingen, P.O. Box 456, Jefferson City, MO 65102, (314) 635-7166. Transporting *metal products, building materials, and iron and steel articles*, between points in the U.S., under continuing contract(s) with DeLong's, Inc., of Jefferson City, MO.

#### Volume No. OPY-4-3

Decided: January 5, 1982.

By the Commission, Review Board No. 2, Members Carleton, Werner, and Williams.

MC 134806 (Sub-77), filed December 21, 1981. Applicant: B-D-R TRANSPORT, INC., P.O. Box 1277, Vernon Dr., Brattleboro, VT 05301. Representative: Edward T. Love, 4401 East West Hwy, Suite 404, Bethesda, MD 20814, (301) 986-9030. Transporting (1) *footwear*, between points in the U.S. (except AK and HI), under continuing contract(s) with The Timberland Company, of Newmarket, NH. (2) *woodburning stoves*, between points in the U.S. (except AK and HI), under continuing contract(s) with New Age Enterprises, d/b/a Pacific Woodstove Distributors, of Santa Cruz, CA, and (3) *groceries and foodstuffs*, between points in the U.S. (except AK and HI), under continuing contract(s) with Stow Mills of Brattleboro, VT.

MC 134616 (Sub-2), filed December 22, 1981. Applicant: KEARNEY'S TRUCKING SERVICE, INC., P.O. Box 264, Portland, PA 18351. Representative: Joseph A. Keatinh, Jr., 121 S. Main St., Taylor, PA 18517, (717) 344-8030. Transporting *salt and salt products*, between points in Tompkins County, NY, and points in PA and NJ.

MC 158526 (Sub-1), filed December 21, 1981. Applicant: MERGENTHALER TRANSFER & STORAGE CO., 1414 N. Montana Ave., Helena, MT 59601. Representative: David L. Jackson, 203 N. Ewing St., Helena, MT 59601, (406) 442-1300. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with The Mountain States Telephone and Telegraph Company, of Helena, MT.

MC 159786, filed December 18, 1981. Applicant: LINCOLN COUNTY READY MIX, INC., S. Highway 27, Stanford, KY 40484. Representative: Dwayne Greer (same address as applicant), (606) 365-9149. Transporting *coal*, between points

in KY, on the one hand, and, on the other, points in OH, and IN.

#### Volume No. OPY-5-01

Decided: January 4, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

FF 548, filed March 31, 1981. First published in *Federal Register* on April 27, 1981. Applicant: AIR LAND FORWARDERS—SUDDATH, INC., 5266 Highway Ave., Jacksonville, FL 32236. Representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, DC 20006, (202) 833-8884. To operate as a *freight forwarder*, in interstate or foreign commerce, of (1) *used household goods*, (2) *unaccompanied baggage*, and (3) *used automobiles*, between points in the U.S. This application is republished to show the full authority sought.

MC 2908 (Sub-29), filed December 11, 1981. Applicant: CAPITAL MOTOR LINES, INC., d.b.a. CAPITAL TRAILWAYS, 520 North Court St., P.O. Box 1427, Montgomery, AL 36102. Representative: Lawrence E. Lindeman, 4660 Kenmore Ave., Suite 1203, Alexandria, VA 22304, (703) 751-2441. Over regular routes, transporting *passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, between (1) the junction of AL Hwys 87 and 167 and Enterprise, AL, over AL Hwy 167, (2) the junction of AL Hwys 166 and 12 and AL Hwys 166 and 189, over AL Hwy 166, (3) Enterprise, AL, and the junction of AL Hwys 248 and 249, over AL Hwy 248, (4) the junction of AL Hwys 85 and 92 and AL Hwys 92 and 12, over AL Hwy 92, (5) the junction of U.S. Hwy 31 and Autauga County Hwy 4 and the junction of AL Hwy 14 and Autauga County Hwy 4, over Autauga County Hwy 4, (6) York, AL, and the junction of AL Hwys 8 and 17, over AL Hwy 17, and (7) the junction of FL Hwys 85 and 123 (north of Valparaiso, FL) and the junction of FL Hwys 85 and 123 (south of Valparaiso, FL), over FL Hwy 123, serving all intermediate points on routes (1) through (7).

MC 31389 (Sub-332), filed December 18, 1981. Applicant: McLEAN TRUCKING COMPANY, P.O. Box 213, Winston-Salem, NC 27154. Representative: Daniel R. Simmons (same address as applicant), (919) 721-2433. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with J. C. Penney Company, Inc., of New York, NY.

MC 41098 (Sub-72), filed December 18, 1981. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, DC 20006, (202) 833-8884. Transporting *machinery*, between points in the U.S., under continuing contract(s) with Franklin Electric Co., of Sunnyvale, CA.

MC 65038 (Sub-1), filed December 14, 1981. Applicant: WILLIAM J. BLAIR, d.b.a. BLAIR TRANSFER & STORAGE CO., 3623 Brooks, Missoula, MT 59801. Representative: William E. Seiliski, 2 Commerce St., POB 8255, Missoula, MT 59807, (406) 543-8369. Transporting (1) *such commodities* as are dealt in by food and drug store supermarkets, between Kansas City, KS, points in Santa Fe, San Juan, Bernalillo Counties, NM, Denver County, CO, and Washoe, County, NV, on the one hand, and, on the other, points in Denver County, CO and WY. (2) *general commodities* (except classes A and B explosives and commodities in bulk), between Omaha, NE, Kansas City, MO, and points in Hennepin County, NV and Cook County, IL, on the one hand, and, on the other, points in MT, and (3) *general commodities* (except classes A and B explosives and commodities in bulk), between points in AZ, WA, OR, ID, MT, CA, CO, UT, NM, and NV.

MC 88368 (Sub-56), filed November 25, 1981, previously noticed in (republishing), *Federal Register* publication of December 11, 1981. Applicant: CARTWRIGHT VAN LINES, INC., 11901 Cartwright, Grandview, MO 64030. Representative: Thomas R. Kingsley, 10614 Amherst Ave., Silver Spring, MD 20902, (301) 649-5074. Transporting (1) *machinery and metal products*, and (2) *parts and accessories*, between points in MI, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this republication is to add parts and accessories.

MC 88619 (Sub-3), filed December 18, 1981. Applicant: MARVIN JAY HUTCHINSON, d.b.a. HUTCHINSON TRANSFER, 309 E. 3rd St., Thief River Falls, MN 56701. Representative: William J. Ganbucci, 525 Lumber Exchange Bldg., Minneapolis, MN 55402, (612) 340-0808. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Trans-Consolidated, Inc., of St. Paul, MN.

MC 89369 (Sub-25), filed December 21, 1981. Applicant: JOART TRUCKING COMPANY, P.O. Box 332, New Brunswick, NJ 08903. Representative: Edward F. Bowes, Seven Beck Farm

Road, P.O. Box Y, Roseland, NJ 07068, (201) 992-2200. Transporting *chemicals and related products*, between points in NJ and New Castle County, DE on the one hand, and, on the other, points in IN, IL, MI, SC, and GA.

MC 119699 (Sub-4), filed September 1, 1981. Published initially in the *Federal Register* on September 23, 1981. Applicant: HARRELL FREIGHT, INC., 53 East Thomas Ave., Baltimore, MD 21225. Representative: M. Bruce Morgan, 100 Roesler Rd., Suite 200, Glen Burnie, MD 21061, (301) 761-2580. Transporting *metal products and ores*, between Baltimore, MD, on the one hand, and, on the other, points in Chester, Berks, and Northampton Counties, PA.

Note.—This application is republished to include ores, and to show points in Northampton County, PA, in lieu of Clearfield County, PA.

MC 133189 (Sub-44), filed December 14, 1981. Applicant: VANT TRANSFER, INC., 1257 Osborne Road, Minneapolis, MN 55432. Representative: John B. Van de North, Jr., 2200 First National Bank Bldg., St. Paul, MN 55101, (612) 291-1215. Transporting *general commodities*, between Duluth, MN on the one hand, and, on the other, points in AK, CO, IA, IL, IN, KY, MI, MO, NE, ND, NM, OH, SD, TX, WI, and WY.

MC 136818 (Sub-139), filed December 21, 1981. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 5601 W. Mohave, Phoenix, AZ 85031. Representative: Donald E. Fernaays, 4040 E. McDowell Rd., Suite 320, Phoenix, AZ 85008, (602) 275-3124. Transporting *food and related products* between points in the U.S. (except AK and HI).

MC 142059 (Sub-184), filed December 14, 1981. Applicant: CARDINAL TRANSPORT, INC., 1230 Northern Illinois Dr., Channahon, IL 60410. Representative: Jack Riley (same address as applicant), (815) 729-3808. Transporting *food and related products* (except in bulk), between Des Moines and Sioux City, IA, and points in Carroll, Cherokee, Crawford, Hardin, and Webster Counties, IA, Omaha, NE, and points in Lancaster and Saline Counties, NE, on the one hand, and, on the other, points in the U.S.

MC 147669 (Sub-4), filed December 21, 1981. Applicant: McNITT PRODUCE, INC., 8236 Amelia Drive, Jenison, MI 49428. Representative: J. Michael Smith, 800 Calder Plaza Bldg., Grand Rapids, MI 49503, (616) 459-8311. Transporting *food and related products* between points in the U.S., under continuing contract(s) with Cherry Hill Orchards, Inc., of Bailey, MI.

MC 149069 (Sub-2), filed December 7, 1981. Applicant: KEPPEL CORPORATION, Route 1, Box 213, Staunton, VA 24401. Representative: H. Neil Garson, 3251 Old Lee Highway, Fairfax, VA 22030, (703) 691-0900. Transporting *automotive tires, tire tread rubber, automotive tubes, tire parts, and automotive tire tube parts*, between Texarkana, AK, St. Louis, MO, Oklahoma City, OK, and points in Sandusky, Summit, and Franklin Counties, OH, Coahoma County, MS, and Union County, NJ, on the one hand, and, on the other, points in MD.

MC 150049 (Sub-4), filed December 21, 1981. Applicant: JAMES RESSLER, d.b.a. JIM RESSLER TRUCKING, 300 East Turnpike, Bismarck, ND 58501. Representative: Charles E. Johnson, P.O. Box 2056, Bismarck, ND 58501, (701) 223-5300. Transporting (a) *lumber, lumber products, wood products, and lumber mill products*, and (b) *building materials* (except those in (a)), between points in WA, OR, ID, MT, WY, CA, MN, WI, and MI, on the one hand, and, on the other, those points in the U.S. in the west of MI, OH, KY, TN, and GA.

MC 151788 (Sub-15), filed November 9, 1981. Published initially in the *Federal Register* on December 1, 1981. Applicant: MEL JARVIS CONSTRUCTION CO., INC., 2934 Arnold Ave., Salina, KS 67401. Representative: William B. Barker, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601, (913) 234-0565. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods as defined by the Commission), between points in KS, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—This application is republished to include all exceptions requested by applicant.

MC 151788 (Sub-16), filed December 17, 1981. Applicant: MEL JARVIS CONSTRUCTION CO., INC., 2934 Arnold Ave., Salina, KS 67401. Representative: William B. Barker, P.O. Box 1979, Topeka, KS 66601, 913-234-0565. Transporting *hides*, between points in U.S. (except AK and HI).

MC 152568 (Sub-3), filed December 16, 1981. Applicant: KISTLER AMELING TRANSPORTATION, INC., 408 East Indiana St., Kouts, IN 46347. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204-3491, 317-638-1301. Transporting *such commodities* as are dealt in by a manufacturer of pharmaceutical, cosmetic, packaging and agricultural products, between points in the U.S. under continuing contract(s) with Eli Lilly & Company and

Elanco Products Company, both of Indianapolis, IN.

MC 152708, filed December 14, 1981. Applicant: GOODLUCK REFRIGERATION SERVICE, INC., 67200 Hartway, Romeo, MI 48065. Representative: David D. Warner, 1800 First National Bldg., Detroit, MI 48226, (313) 961-8380. Transporting *culture media and laboratory reagents*, between points in the U.S., under continuing contract(s) with BBL Microbiology Systems of Cockeysville, MD.

MC 158139, filed September 8, 1981. Applicant: LYNCO MOVERS, INC., 1007 South Acme Rd., San Antonio, TX 78237. Representative: David Earl Tinker, 1000 Connecticut Ave. NW., Washington, D.C. 20036, 202-887-5868. Transporting *household goods and furnished and fixtures*, between points in TX, LA, MS, AL, GA, FL, SC, NC, VA, MD, WV, OH, IN, IL, TN, KY, MO, AR, OK, KS, CO, NM, AZ, NV, UT, CA, NE and DC.

MC 158428, filed December 16, 1981. Applicant: ROBIN HOOD OIL CO., INC., P.O. Box 70, Benson, NC 27504. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Ave. NW., Washington, D.C. 20005, 202-347-9332. Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), between points in NC, on the one hand, and, on the other points in the U.S.

MC 158479 (Sub-1), filed December 10, 1981. Applicant: TOBEY TRAVEL, INC. d.b.a. BRANMAR TRAVEL, 1804 Marsh Road, Wilmington, DE 19810. Representative: Steven D. Goldberg, 10606 Montchanin Bldg., 100 West Tenth St., P.O. Box 1470, Wilmington, DE 19899, (302) 656-7712. To operate as a *broker* at Wilmington, DE, in arranging transportation of *passengers and their baggage* in same vehicle with passengers, between points in the U.S.

MC 159339 (Sub-1), filed December 17, 1981. Applicant: BRAKE-MEIER TRUCKLOAD, INC., 14523 S. Garfield, Paramount, CA 90723. Representative: Robert Fuller, 13215 E. Penn St., Ste. 310, Whittier, CA 90602, 213-945-3002. Transporting *general commodities* (except classes A and B explosives, commodities in bulk and household goods as defined by the Commission), between points in CA on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NM, NV, OR, TX, UT, WA and WY.

MC 159729, filed December 15, 1981. Applicant: JERRY DON McLAMB, Rt. 1, Benson, NC 27504. Representative: Jerry Don McLamb (same address as applicant), (919) 894-8489. Transporting

fertilizer and limestone, between points in VA and NC.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 82-901 Filed 1-9-82; 8:45 am]

BILLING CODE 7035-01-M

### Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

**Note.**—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

### Motor Carriers of Property Notice No. F-180

The following applications were filed in region I: Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 159581 (Sub-1-1TA), filed December 21, 1981. Applicant: TRANS CARGO, INC., 403 Academy Lane, P.O. Box 1019, Turnersville, NJ 08012. Representative: James W. Patterson,

1200 Western Savings Bank Bldg., Philadelphia, PA 19107. *Furniture and store fixtures*, between the facilities of Hussmann Refrigerator Co. in Cherry Hill, NJ, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Hussmann Refrigerator Co., P.O. Box 507, Cherry Hill, NJ 08003.

MC 159778 (Sub-1-1TA), filed December 18, 1981. Applicant: MOHEGAN CONTRACTOR CORP., 20 Leary Lane, Nesconset, NY 11767. Representative: William J. Augello, Esq., Augello, Pezold & Hirschmann, 120 Main Street, Huntington, NY 11743. *Contract carrier: irregular routes: Building materials and materials, equipment and supplies used in the manufacture of building materials*, between all points in the U.S., under continuing contract(s) with Abbey Hart Co., Verona, NJ; Athena Mason Supply, Inc., Clifton, NJ; Atlantic Brick Corp., Saddlebrook, NJ; PlyGem Industries, Inc., and wholly owned subsidiaries, New York, NY; Gloucester City, NY, Farmingdale, NY, Union, NJ and New Haven, CT. Supporting shipper: There are eight statements in support of this application which may be examined at the Regional Office of the I.C.C. in Boston, MA.

MC 149216 (Sub-1-3TA), filed December 16, 1981. Applicant: WELLINGTON TRANSPORTATION, INC., 67 Andrew Street, Newton Highland, MA 02161. Representative: James E. Mahoney, 148 State Street, Boston, MA 02109. *Unfinished zinc die castings and materials, supplies and equipment related thereto* between points in RI, on the one hand, and, on the other, points in NY, PA, IL, TN, and OK under continuing contract(s) with Ridco Casting Company, Pawtucket, RI. Supporting shipper: Ridco Casting Company, 6 Beverage Hill Avenue, Pawtucket, RI 02860.

MC 153563 (Sub-1-2TA), filed December 16, 1981. Applicant: INLAND POLLUTION CONTROL INC., 385 Quincy Avenue, P.O. Box 303, Braintree, MA 02184. Representative: Joseph V. Polsinello, 26 James Road, Hanover, MA 02339. *Waste, hazardous materials, chemicals, oils, fuels, equipment, materials, in conjunction with the petroleum, chemical, marine, construction, municipal, utility, electronic and pollution control industry* between points east of the Mississippi River, TX, LA, and IL. Supporting shipper: Recycling Industries, Inc., 385 Quincy Avenue, MA 02184.

MC 159734 (Sub-1-1TA), filed December 16, 1981. Applicant: PRESTON MOVING & STORAGE, LTD., 420 Base Line Road West, Box 160,

Bowmanville, Ontario, Canada L1O 3K9. Representative: Robert D. Gunderman, Esq., Can-Am Building, 101 Niagara Street Buffalo, NY 14202. *Contract carrier: irregular routes: Uncrewed restaurant equipment, and food preparation equipment* between Ports of Entry on the International Boundary Line between the U.S. and CD in NY and MI, on the one hand, and, on the other, all points in the U.S. under continuing contract with Hospital & Kitchen Equipment, Ltd and its Affiliates, Modular Architectural Components Ltd. and H. K. Equipment DeService Alimentaire Ltee of Downsview, Ontario, CD. Supporting shipper(s): Hospital & Kitchen Equipment Ltd., Modular Architectural Components Ltd., H. K. Equipment De Service Alimentaire, Ltee, 555 Oakdale Road, Downsview, Ontario, Canada M3N 1W7.

MC 159753 (Sub-1-1TA), filed December 17, 1981. Applicant: VESPA TRUCKING CO., INC., 118 Heritage Drive, Box 13, Freehold, NJ 07728. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Metal products*, between the facilities of Evon Industries, Inc., located at Newark and Camden, NJ, on the one hand, and, on the other, points in CT, MA, RI, NY, PA, DE, and MD. Supporting shipper: Evon Industries, Inc., 1239 Broad Street, Newark, NJ 07114.

MC 159749 (Sub-1-1TA), filed December 17, 1981. Applicant: D & E TRANSPORTATION CORP., 507 Otter Branch Drive, Magnolia, NJ 08049. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113. *Passengers and their baggage, in charter or special operation, limited to the transportation of not more than 15 passengers per vehicle*, between Philadelphia, PA and points in NJ on the south of NJ Hwy 33 on the one hand, and, on the other, points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV and DC. Supporting shipper(s): There are six statements in support of this application which may be examined at the I.C.C. Regional Office in Boston, MA.

MC 158211 (Sub-1-2TA), filed December 17, 1981. Applicant: PORT TRANSPORTATION CO., INC., 54 Devonshire Street, Boston, MA 02109. Representative: Joseph Wine (same as applicant). *Beer and Wine*, between points in VT on the one hand, and, on the other hand, the Ports of Boston, MA, New York, NY, Newark, NJ, and Portsmouth, NH. Supporting shipper(s): Champlain Valley Fruit Co., Inc. 237 South Champlain Street, Burlington, VT; Calmont Beverages, Inc., Barre, Vt.

MC 159735 (Sub-1-1TA), filed December 16, 1981. Applicant: J. N. B. CARRIERS, INC., 11 Mount March Avenue, Farmingdale, NY 11738. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Contract carrier*: irregular routes: *Barium enema kits*, between Westbury, NY, on the one hand, and, on the other, points in the U.S. under continuing contract with E-Z-EM Company, Westbury, NY. Supporting shipper(s): E-Z-EM Company, Inc., 7 Portland Ave., Westbury, NY.

MC 150121 (Sub-1-2TA), filed December 21, 1981. Applicant: DVJ TRUCK LINES, INC., 1 Ridge Road, Monmouth Junction, NJ 08852. Representative: Henry J. Capro, Esq., 1585 Morris Avenue, Union, NJ 07083. *Contract carrier*: irregular routes: *Toilet preparations; bandages and dressings; soaps and shampoos; swabs; diapers or diaper liners; powder and talc and related raw materials and displays* between NJ, NY, PA, and CT, under continuing contract(s) with Johnson & Johnson Baby Products Company, Skillman, NJ. Supporting shipper: Johnson & Johnson Baby Products Company, Grandview Avenue, Skillman, NJ 08558.

MC 145093 (Sub-1-2TA), filed December 18, 1981. Applicant: J. C. TRANSPORT CORPORATION, 53 East Broadway, P.O. Box 142, North Salem, NH 03073. Representative: Samuel L. Watts, TDS, Inc., 54 Middlesex Turnpike, Burlington, MA 01803. *Computer, computer parts, and related equipment and materials used for computer advertising* between computer trade shows at points in the U.S. (except AK and HI) in continuous transportation providing the original origin or final destination is in the State of MA. Supporting shipper(s): Data Terminal Systems, Inc., 124 Acton Street, Maynard, MA 01754; Data General Corporation, Turnpike Road, Westboro, MA 01581; Target Communications, Inc., 44 Pittsburgh Street, Boston, MA 02210.

MC 154190 (Sub-1-1TA), filed December 17, 1981. Applicant: N. J. BART CORPORATION, 561 Bay Avenue, Elizabeth, NJ 07201. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Contract carrier*: irregular routes: *Chemicals, (except in bulk and hazardous waste)* between the facilities of Mallinckrodt Chemical Corp., in the U.S., on the one hand, and, on the other, points in the U.S. except AK and HI, under continuing contract(s) with Mallinckrodt Chemical Corp., St. Louis, MO. Supporting shipper: Mallinckrodt

Chemical Corp., 3600 North 2nd Street, St. Louis, MO 63147.

MC 151193 (Sub-1-25TA), filed December 21, 1981. Applicant: PAULS TRUCKING CORPORATION, 286 Homestead Avenue, Avenel, NJ 07001. Representative: Michael A. Beam, (same as applicant). *Contract carrier*: irregular routes: *Such commodities as are dealt in and sold by supermarkets, and equipment, materials and supplies used in the manufacture, sale and distribution of such commodities (except in bulk)*, from New York, NY and its Commercial Zone to Oklahoma City, OK, Minneapolis, MN, and its Commercial Zone to Oklahoma City, OK, Minneapolis, MN, and points in MI, IL, OH, IN, KS, MO and IA, under continuing contract(s) with MC Foods, Inc., San Diego, CA. Supporting shipper: MC Foods, Inc., 2251 San Diego Avenue, Suite A-216, San Diego, CA 92110.

MC 151193 (Sub-1-26TA), filed December 21, 1981. Applicant: PAULS TRUCKING CORPORATION, 286 Homestead Avenue, Avenel, NJ 07001. Representative: Michael A. Beam (same as applicant). *Contract carrier*: irregular routes: *Hair care products, toilet preparations, soaps, and health and beauty aids and equipment, materials, and supplies used in the manufacture, sale and distribution of such commodities (except in bulk)*, between points in CA, FL, GA, IL and NJ, under continuing contract(s) with Nature's Organic Plus, Inc., Paramus, NJ. Supporting shipper: Nature's Organic Plus, 599 Industrial Avenue, Paramus, NJ 07652.

MC 147242 (Sub-1-6TA), filed December 21, 1981. Applicant: PLAZA FREIGHT TRANSPORT, INC., 12-90 Plaza Road, Fair Lawn, NJ 07410. Representative: Arthur Liberstein, P.C., 888 Seventh Avenue, New York, NY 10106. *Contract carrier*: irregular routes: *Exhibit booths or stalls, knocked down, containing advertising displays and miscellaneous products of manufacturing*, between Boston, MA, on the one hand, and, on the other, points in the U.S., under continuing contract(s) with Target Communications Inc., Boston, MA. Supporting shipper: Target Communications Inc., 44 Pittsburgh Street, Boston, MA 02210.

MC 159796 (Sub-1-1TA), filed December 21, 1981. Applicant: CARLEN DISTRIBUTION SYSTEM, INC., 955 West Side Avenue, Jersey City, NJ 07306. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Contract carrier*: irregular routes: *Paper and paper products* between points in the US east of the Mississippi River, under continuing

contract(s) with Paper Converters Supply Corp., Cherry Hill, NJ and J. Madden Corp., New York, NY. Supporting shipper(s): Paper Converters Supply Corp., 1 Cherry Hill, Chery Hill, NJ 08002; J. Madden Corp., 9 Rockefeller Plaza, New York, NY 10020.

MC 156428 (Sub-1-4TA), filed December 21, 1981. Applicant: JACK MULA AND FRANK GUMINA, JR., d.b.a. MARSAN WAREHOUSING & TRANSPORTATION, Merrich Road, South Brunswick, NJ 08831. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Contract carrier*: irregular routes: (1) *Air conditioners, humidifiers, dehumidifiers, and household appliances; and (2) Materials, equipment, and supplies used in the manufacture and sale of the commodities named in (1) above*, between Edison and South Brunswick, NJ, on the one hand, and, on the other, points in ME, NH, VT, MA, RI, CT, NJ, NY, PA, OH, DE, MD, VA, NC, SC, GA, AL, and FL, under continuing contract with Edison Products, Edison, NJ and Frigidaire International Co., Dayton, OH. Supporting shipper(s): Edison Products, Route 27 & Vineyard Road, Edison, NJ 08817; Frigidaire International Co., 228 Byers Rd., P.O. Box WC 4900, Dayton, OH 45449.

MC 159532 (Sub-1-1TA), *REPLICATION*, filed December 3, 1981. Applicant: M & M MOTOR FREIGHT CORP., River Road, P.O. Box 595, Utica, NY 13501. Representative: Herbert M. Canter, Esquire, Benjamin D. Levine, Esquire, 305 Montgomery Street, Syracuse, NY 13202. (1) *Such merchandise as is dealt in by department stores and mail order houses, and (2) Materials, equipment and supplies used in the conduct of such businesses* between Syracuse and Utica, NY, on the one hand, and, on the other, points in Clinton, Essex, Franklin, Fulton, Hamilton, Herkimer, Jefferson, Lewis, Madison, Montgomery, Oneida, Onondaga, Oswego and St. Lawrence Counties, NY. Supporting shipper(s): Sears, Roebuck & Co., Eastern Territorial Traffic Department, 4640 Roosevelt Boulevard, Philadelphia, PA 19132. The purpose of this republication is solely to indicate applicant's intention to interline with other carriers at Syracuse and Utica, NY. Previously published in *Federal Register* of December 14, 1981, on Page 61011.

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

MC 147463 (Sub-II-2TA), filed November 30, 1981. Applicant: R. M. GUNTHER, INC., R.D. #1, Box 539, Boyertown, PA 19512. Representative: Lee E. High, P.O. Box 8551, Reading, PA 19603. *Specialty Chemicals and Metals*, between the facilities of KBI, a Division of Cabot Corporation, In Colebrookdale Township, Berks County, and Douglas Township, Montgomery County, PA, on the one hand and on the other points in KY and MI for 270 days. An underlying ETA seeks 120 days authority. Applicant intends to tack this authority sought with authority held under MC 147463. Supporting shipper(s): KBI, a Division of Cabot Corporation, County Line Road, Boyertown, PA 19512. The purpose of this republication is to include tacking.

MC 145583 (Sub-II-3TA), filed November 30, 1981. Applicant: XPRESS TRUCK LINES, INC., 2500 E. Butler St., Phila., PA 19137. Representative: Anthony A. Cerone (same as applicant). *Alcohol and alcoholic beverages and wines*, between points in ME, TN, FL, GA, KY, OH, IN, IL, WV, NC, SC & MI for 270 days. Applicant intends to tack this authority sought with authority held under MC 145583. Supporting shipper(s): There are 7 supporting shippers. Their statements may be examined at the Phila. ICC Office. The purpose of this republication is to include tacking.

MC 150444 (Sub-II-TA), filed December 29, 1981. Applicant: ADVANCE FREIGHT, LTD., 7637 Leesburg Pike, Falls Church, VA 22043. Representative: Wayne Hartke (same address as above). Contract, irregular: *Fabric, garments, material and supplies used or useful in the manufacture, production, or sale of products by, for, or on behalf of Exquisite Form Industries, Inc.* between (1) the facilities of Exquisite Form Industries, Inc. at Pelham Manor, NY on the one hand, and, on the other pts. in the U.S. and (2) between piers located in the cities of New York, NY; Newark, NJ; Baltimore, MD; Long Beach, CA; Oakland, CA; Seattle, WA; New Orleans, LA; Houston, TX; Port of Laredo, TX; Portland, OR; and Jacksonville, FL; on the one hand, and, on the other pts. in the U.S., under a continuing contract with Exquisite Form Industries, Inc., for 270 days. Supporting shipper: Exquisite Form Industries, Inc., 14 Pelham Parkway, Pelham Manor, NY 10803.

MC 159625 (Sub-II-1TA), filed December 29, 1981. Applicant: ALLISON & DEAN TRUCKING, INC., Carter Ave., P.O. Box 135, Triadelphia, WV 26059. Representative: Carl A. Allison, 437 Jones St., Wheeling, WV 26003. Contract irregular: *Coal*, between Ohio, Brooke and Hancock Counties, WV,

Washington and Beaver Counties, PA, and Belmont, Jefferson and Columbiana Counties, OH, under continuing contract(s) with the Valley Camp Coal Co., Oil City, PA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: The Valley Camp Coal Co., 206 Seneca St., P.O. Box 900, Oil City, PA 16301.

MC 140302 (Sub-II-3TA), filed December 29, 1981. Applicant: AMERICAN TANK TRANSPORT, INC., 6350 Ordnance Pt. Rd., Curtis Bay, MD 21225. Representative: Robert B. Pepper, 168 Woodbridge Ave, Highland Park, NJ 08904. Contract irregular: *Chemicals or allied products STCC 28 except hazardous materials*, between pts. in the US, in and east of MN, WI, IL, KY, TN, MS, and LA, for 270 days. Under continuing contract with Dutch Boy, Consumer Division, Sherwin-Williams Co., Baltimore, MD. Supporting shipper: Dutch Boy, Consumer Div., Sherwin-Williams Co., 2325 Hollis Ferry Rd., Baltimore, MD 21230.

MC 158851 (Sub-II-1TA), filed December 29, 1981. Applicant: BULL'S EYE EXPRESS, R.D. #1, Box 68, Warren Center, PA 18851. Representative: John A. Sykas (same as applicant). *General commodities*, except in bulk, in tank vehicles, between points in the U.S. (restricted to shipments originating at or destined to the facilities of Chemical Sales Company) for 270 days. Supporting shipper: Chemical Sales Company, 4661 Monaco Street, Denver CO 80216.

MC 158851 (Sub-II-2TA), filed December 29, 1981. Applicant: BULL'S EYE EXPRESS, R.D. #1, Box 68, Warren Center, PA 18851. Representative: John A. Sykas (same as applicant). (1) *plastic and plastic articles* (2) *rubber and rubber products* and (3) *material and supplies used in the manufacture of (1) and (2) above* (except in Bulk, in tank vehicles) between points in the U.S., on the one hand, and, on the other, Nashua, NH (restricted to truckload traffic) for 270 days. Supporting shipper: Beebe Rubber Co., 20-22 Marshall Street, Nashua, NH 03060.

MC 158851 (Sub-II-3TA), filed December 29, 1981. Applicant: BULL'S EYE EXPRESS, R.D. #1, Box 68, Warren Center, PA 18851. Representative: John A. Sykas (same as applicant). *Petroleum products, paints, sundries and other related products for industrial use*, except in bulk, in tank vehicles, between Malden, MA and Karns City, PA, on the one hand, and, on the other, points in the U.S., for 270 days. Supporting shipper: Sterling-Clark-Lurton, 184 Commercial Street, Malden, MA.

MC 5603 (Sub-II-2TA), filed December 30, 1981. Applicant: CHALMERS MOTOR FREIGHT, INC., 275 Langhorne-Yardley Rd., Langhorne, PA 19047. Representative: Raymond A. Thistle, Jr., Five Cottman Ct., Homestead Rd., and Cottman St., Jenkintown, PA 19046. *Contract carrier: irregular route: food and related products*, from Florence, NJ to points in ME, NH, VT, MA, CT, RI, NY, PA, MD and VA; from Mt. Holly Springs, PA to Florence, NJ under continuing contract(s) with Ag Foods, Inc. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Ag Foods, Inc., 37752 Zone Trace Drive, Columbus, OH.

MC 117384 (Sub-II-4TA), filed December 30, 1981. Applicant: DAVIDSON BROTHERS, R.D. #3, Bellefonte, PA 16823. Representative: Timothy C. Miller, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. *Calcium fluoride*, in bulk, from Central Falls, RI to Duquesne, PA for 270 days. Supporting shipper: Corning Glass Works, P.O. Box 158, Corning, NY 14830.

MC 111002 (Sub-II-1TA), filed December 29, 1981. Applicant: FAST LEASING, INC., P.O. Box 7, Milton, PA 17847. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Irregular: *Contract: Such commodities as are dealt in by a manufacturer of telephone, communication and electronic equipment, including materials, equipment and supplies used in the manufacture, sale and distribution thereof*, between points in CO, TX, IA, IL, MI, IN, AL, OH, KY, GA, NC, MD, PA, NY, NJ, CT, MA, NH, and ME, for 270 days, under a continuing contract(s) with Chemical and Metallurgical Division of GTE Products Corporation. An underlying ETA seeks 120 days' authority. Supporting shipper: Chemical and Metallurgical Division of GTE Products Corporation, Hawes St., Towanda, PA 18848.

MC 148412 (Sub-II-6TA), filed December 28, 1981. Applicant: GRIBBLE TRUCKING, INC., R.D. 3, Rockwood, PA 15557. Representative: John Fullerton, 407 N. Front St., Harrisburg, PA 17101. Contract, irregular: *foundry supplies and materials* from points in AL, IL, KS, MI, MS, NC, NY, OH, PA, SD, TN, WV and WI to points in MI, OH, WI for 270 days under continuing contract(s) with Carpenter Brothers, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Carpenter Brothers, Inc., Milwaukee, WI 53203.

MC 159673 (Sub-II-1TA), filed December 30, 1981. Applicant: INLAND PUMPING & DREDGING

CORPORATION, P.O. Box 140, Downingtown, PA 19335. Representative: Dale R. Yeager, 388 Devon Drive, Exton, PA 19341. *Hazardous waste materials*, from the facilities of the shipper in Downingtown, PA to NY, NJ, DE, MD, VA, NC, SC, and TN for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Stauffer Chemical Company, Westport, CT 06880; Dowell Division of Dow Chemical, U.S.A., P.O. Box 179, Mount Holly, NJ 08060.

MC 159857 (Sub-II-1TA), filed December 28, 1981. Applicant: J & L TRUCK LEASING, INC., 3621 State Route 14, Edinburg, OH. Representative: Jack L. Schiller, 123-60 83rd Ave., Kew Gardens, NY 11415. (1) *Lamps, lamp parts and furniture* (a) between Cincinnati and Cleveland, OH, on the one hand, and, on the other, pts. in CA, NC, NJ, and NY; and (b) between Edgewater, Lodi, Newark and Ridgefield Park, NJ, on the one hand, and, on the other pts. in CA, Tipton, IN, Baltimore, MD, Aberdeen and Greensboro, NC and Norfolk, Richmond, and Williamsburg, VA; and (2) *Lamps and lamp parts*, between Los Angeles, CA, on the one hand, and, on the other, pts. in the US (except AK and HI). Restricted to traffic originating at or destined to the facilities operated by Parker Lamp and Fixture Supply, Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Parker Lamp & Fixture Supply, Inc., 230 Fifth Ave., New York, NY 10001.

MC 159859 (Sub-II-1TA), filed December 28, 1981. Applicant: NATHANIEL McCURDY, d.b.a. McCURDY PRODUCT, 610 Market St., Toledo, OH 43602. Representative: Barry Weintraub, Suite 510, 8133 Leesburg Pike, Vienna, VA 22180. *Contract: Irregular; aluminum sheets, sign blanks or covered, reflective sheeting, aluminum castings, sign posts and other related items* between Toledo, OH, on the one hand, and, on the other points in the U.S. under continuing contract with U.S. Standard Sign Company of Toledo, OH, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: U.S. Standard Sign Co., Box 4005, 210 Wade St., Toledo, OH 43609.

MC 109448 (Sub-II-18TA), filed December 30, 1981. Applicant: PARKER TRANSFER COMPANY, P.O. Box 256, Elyria, OH 44036. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *Such commodities as are dealt in or used by manufacturers and distributors and distributors of building materials (except commodities in bulk)* between Cleveland and Medina, OH, Baltimore, MD and Red Lion, PA, on the

one hand, and, on the other, points in the U.S. (except AK and HI) for 270 days. Supporting shipper: Donn Corporation, 1000 Crocker Road, Westlake, OH 44145.

MC 152460 (Sub-II-2TA), filed December 29, 1981. Applicant: ROW-DOM, INC., 1 Washington St., Cumberland, MD 21502. Representative: John H. LeSeur, 1224 17th St., NW., Wash., DC 20036. *Contract, irregular: General commodities (except class A & B explosives)*, between the facilities of Celanese Fibers Co. located at or near Amcelle, MD and Baltimore, MD, and pts. in its commercial zone with prior or subsequent transportation in interstate or foreign commerce, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Celanese Fibers Co., P.O. Box 1414, Charlotte, NC 28232.

MC 159707 (Sub-II-1TA), filed December 23, 1981. Applicant: SCARAB TRANSPORTATION, INC., 10 East Oregon Avenue, Philadelphia, PA 19148. Representative: Richard Rueda, 135 North Fourth Street, Philadelphia, PA 19106. *Such commodities as are dealt in or used by Retail Department Stores* between points in the state of Ohio on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under continuing contracts with The Limited Stores, Inc., Columbus, Ohio, for 270 days. An underlying ETA for 120 days is being sought. Supporting shipper: The Limited Stores, Inc., One Limited Parkway, P.O. Box 16528, Columbus, OH 43216.

MC 109821 (Sub-II-2TA), filed December 28, 1981. Applicant: TAYNTON FREIGHT SYSTEM, INC., 40 Main St., Wellsboro, PA 16901. Representative: Larry Sherman (same as applicant). *Glass products and products used in the manufacture, sale and distribution thereof*, between Tioga County, PA and Rockingham County, NH for 270 days. Supporting shipper(s): GTE Products, 100 Endicott St., Danvers, MA 01923.

MC 159888 (Sub-II-1TA), filed December 29, 1981. Applicant: TAZEWELL AUTO SALVAGE, INC., Rt. 2, Box 590, N. Tazewell, VA 24603. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. *Mining machinery and equipment and materials, supplies, and equipment used in the manufacture and distribution of mining machinery and equipment*, between Tazewell County, VA and pts. in AL, KY, IL, IN, OH, PA, TN, VA and WV, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Coalfield Equipment Corp., Rt. 4, Box 132, N. Tazewell, VA 24630; In-

Pro Corp., Rt. 2, Box 360-A, N. Tazewell, VA 24630; The Vest Corp., 2035 Virginia Ave., Bluefield, VA 24605; Kix, Inc., P.O. Box 882, Tazewell, VA 24651.

MC 159743 (Sub-II-1TA), filed December 30, 1981. Applicant: VANGUARD MOVING & STORAGE CO., INC., 1901 Light St., Bldg. #7, Baltimore, MD 21230. Representative: Eugene W. Smoot (same as applicant). *Contract, irregular: Used government household goods in addition to handling containerized government packing and crating contracts*, between Baltimore City, Baltimore, Anne Arundel, Howard, Prince Georges, Carroll, Montgomery, Harford, Cecil, and Kent Counties, MD having prior or subsequent movement in containers beyond the above points under continuing contract with the Dept. of Defense, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Procurement Directorate, US Army, APG, MD, STEAP-PR-S, Bldg. 314, Aberdeen Proving Ground, MD 21005.

MC 145861 (Sub-II-2TA), filed December 28, 1981. Applicant: VANTRANS, INC., 11375 Greenwich Rd., Homerville, OH 44235. Representative: Robert McNamara, 906 Centran Bldg., Akron, OH 44308-1335. *Contract, irregular: Studding, hangers, channels, door and window frames, and miscellaneous building materials and accessories*, between all pts. in the US, except AK and HI, under continuing contract with Donn Corp., Cleveland, OH, for 270 days. Supporting shipper: Donn Corp., 16543 Lee Rd., Cleveland, OH 44118.

MC 142253 (Sub-II-2TA), filed December 28, 1981. Applicant: M & D LEASING, INC. d.b.a. YORK COMMERCIAL TRUCKING CO., 2200 Monroe Street, York, PA 17404. Representative: Steven W. Gardner, 3400 Peachtree Road, NE., Suite 1631, Atlanta, GA 30326. *General commodities (except classes A and B explosives and hazardous waste) restricted to traffic and prior or subsequent movement by rail TOFC or COFC* between York County, PA, on the one hand, and Alexandria, VA, Hagerstown, MD, and Harrisburg, PA, on the other hand, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): (1) Caterpillar Tractor Company, 100 N.E. Adams St., Peoria, IL 61629. (2) Norfolk and Western Railway Company, 8 N. Jefferson St., Roanoke, VA 24042. (3) Southern Railway Systems, PO Box 1808, Washington, DC 20043.

MC 108631 (Sub-2-6TA), filed December 28, 1981. Applicant: BOB

YOUNG TRUCKING, INC.,  
Schoenersville Rd. at Industrial Dr.,  
Bethlehem, PA 18017. Representative:  
Alan Kahn, 1430 Land Title Bldg.,  
Philadelphia, PA 19110. *Malt beverages,  
and empty malt beverage containers,*  
between the facilities of or utilized by F  
& M Schaefer Brewing Co. at Fogelsville  
(Lehigh County), and Belfast  
(Northampton County), PA, on the one  
hand, and, on the other, points in OH,  
for 270 days. An underlying ETA seeks  
120 days' authority. Supporting  
shipper(s): F & M Schaefer Brewing Co.,  
PO Box 2568, Allentown, PA 18001.

The following applications were filed  
in Region 3. Send protests to ICC,  
Regional Authority Center, P.O. Box  
7600, Atlanta, GA 30357.

MC 149123 (Sub-3-5TA), filed  
December 28, 1981. Applicant: BOAZ  
PRODUCE COMPANY, INC., P.O. Box  
635, Fort Payne, AL 35967.  
Representative: John W. Cooper, P.O.  
Box 56, Mentone, AL 35984. *Margarine,  
Peanut Butter and Shortening* from  
Birmingham, AL to points in AL, AR, CT,  
DE, FL, GA, IL, IN, KY, LA, ME, MD,  
MA, MI, MS, NH, NJ, NY, NC, OK, PA,  
RI, SC, TN, VT, WV, WI and DC.  
Supporting shipper: Sunnyland Refining  
Co., Inc., 3330 10th Avenue No.,  
Birmingham, AL.

MC 138184 (Sub-3-2 TA), filed  
December 28, 1981. Applicant:  
WALLACE TRUCKING COMPANY,  
Route 4, Box A-71, Laurinburg, NC  
28352. Representative: F. Kent Burns,  
P.O. Box 2479, Raleigh, NC 27602.  
*Petroleum and petroleum products in  
bulk in tank vehicles and petroleum  
products in packages or drums* between  
points in Scotland, Mecklenburg, New  
Hanover, Guilford, Cumberland and  
Johnston Counties, NC, and points in SC,  
GA, VA, PA, NY, AL, OK. Supporting  
shippers: Harris Petroleum Company,  
P.O. Box 586, Laurinburg, NC 28352;  
Cooper Oil Co., Inc. P.O. Box 888,  
Laurinburg, NC 28352; Gibson Oil and  
Gas Co., Inc., Rt 1, Box 2, Laurel Hill,  
NC.

MC 128021 (Sub-3-3 TA), filed  
December 29, 1981. Applicant:  
DIVERSIFIED TRUCKING CORP., 309  
Williamson Avenue, Opelika, AL 36801.  
Representative: Robert E. Tate, P.O. Box  
517, Evergreen, AL 36401. *Contract  
Carrier irregular; Commodities as are  
dealt in, or used by, makers of  
automotive care products (except in  
bulk)* between points in the US, under a  
continuing contract(s) with Turtle Wax,  
Inc. Supporting shipper: Turtle Wax,  
Inc.; 5655 W. 73rd St.; Chicago, IL 60638.

MC 159879 (Sub-3-1 TA), filed  
December 29, 1981. Applicant: C T  
TRUCKING, INC., 414 South Road, High

Point, NC 27260. Representative: John N.  
Fountain, P.O. Box 2246, Raleigh, NC  
27602. *Textiles and empty or filled  
shipping containers used for the  
shipment of textiles* from the facilities  
and for the account of Macfield  
Texturing Yarns between Alamance and  
Rockingham Counties, NC, and all  
points and places in AL, GA, SC, and  
VA Supporting shipper: Macfield  
Texturing Yarns, P.O. Box 737, Madison,  
NC 27025.

MC 159880 (Sub-3-1 TA), filed  
December 29, 1981. Applicant: FREIGHT  
HAULERS INTERNATIONAL, INC.,  
7217 NW. 79th Terrace, Miami, FL  
33166. Representative: Richard B.  
Austin, 320 Rochester Building, 8390  
NW. 53rd St., Miami, FL. 33166. *General  
commodities (except classes A & B  
explosives, household goods as defined  
by the Commission and commodities in  
bulk)* between points in FL restricted to  
traffic having an immediately prior or  
subsequent movement by water in  
interstate or foreign commerce.  
Supporting shippers: Inter Traders Cargo  
Agency, Inc., 7307 NW. 32nd Street,  
Miami, FL 33122, Basa Cargo Services,  
Inc., 2005A NW. 70th Avenue, Miami, FL  
33152, CA. Mar Freight Forwarding  
Corp., 7332 SW. 45th Street, Miami, FL  
33155 and Eastern Navigation Co., Inc.,  
2531 NW. 72nd Avenue, Miami, FL  
33122.

MC 136123 (Sub-3-24 TA), filed  
December 29, 1981. Applicant: MD  
TRANSPORT SYSTEMS, INC., P.O. Box  
1058, Palmetto, Florida 33561.  
Representative: David M. Kuehl (same  
as above). *General Commodities*  
between Cuyahoga County, Ohio, on the  
one hand, and Baldwin County, GA.,  
Sebastian County, AK., and Marion  
County, IN., on the other. Supporting  
shipper: Morrison Products, Inc., 16900  
S. Waterloo Road, Cleveland, OH 44110.

MC 146646 (Sub-46TA), filed  
December 29, 1981. Applicant:  
BRISTOW TRUCKING CO., INC., 750  
Clow Road, Birmingham, AL 35217.  
Representative: John R. Frawley, Jr.,  
Suite 200, 120 Summit Parkway,  
Birmingham, AL 35217. *General  
Commodities (except Classes A and B  
explosives and hazardous wastes)*  
between points in the U.S. for the  
account of Consolidations Unlimited.  
Supporting shipper: Consolidations  
Unlimited, 4834 Mendenhall Road, P.O.  
Box 18389 Memphis, TN 38118.

MC 154540 (Sub-3-5TA), filed  
December 28, 1981. Applicant:  
FREEDOM FREIGHT SYSTEMS, INC.,  
1797 Florida St., Memphis, TN 38109.  
Representative: David L. Capps, P.O.  
Box 924, Douglasville, GA 30133.  
*Commodities as are dealt in by retail,*

*drug, hardware, grocery and department  
stores, food services; industrial supplies  
and related materials; and materials,  
equipment and supplies used in the  
manufacture, handling and distribution  
thereof* between points in ME, VT, NH,  
MA, RI, CT, NJ, NY, PA, NC, SC, VA,  
GA and TN, on the one hand, and, on  
the other, points in the U.S. Supporting  
shippers: (a) Port Terminals Company,  
Inc., 666 Summer St., Boston, MA 02127  
(b) Foxboro Terminals Company, Inc.,  
208 North St., Foxboro, MA 02033 (c)  
Transtop, Inc., 666 Summer St., Boston,  
MA 02127 and (d) Piedmont Distribution  
Centers, P.O. Box 7123, Charlotte, NC  
28217.

MC 159702 (Sub-3-ITA), filed  
December 30, 1981. Applicant: GEORGE  
W. OWEN d.b.a. ASSOCIATED  
DISTRIBUTION COMPANY, Route 1,  
Highway 77 South, Ashland, AL 36251.  
Representative: George M. Boles,  
Carlton, Boles, Vann & Stitchweh, 727  
Frank Nelson Bldg., Birmingham, AL  
35203. *Contract carrier: irregular routes:  
Lumber or wood products, furniture &  
fixtures, and material, equipment and  
supplies used in the manufacture  
thereof;* between facilities of Wellborn  
Cabinet, Inc. and Wellborn Forest  
Products Co., in Clay County, AL, on the  
one hand, and on the other points in the  
U.S. Supporting shippers: Wellborn  
Cabinet, Inc. and Wellborn Forest  
Products Co., Route 1, Highway 77  
South, Ashland, AL 36251.

MC 154103 (Sub-3-25TA), filed  
December 30, 1981. Applicant: MID-  
SOUTH FREIGHT, INC., 28 Industrial  
Park Drive, Hendersonville, TN 37075.  
Representative: John M. Nader, 1600  
Citizens Plaza, Louisville, KY 40202.  
*Contract carrier; irregular; commodities  
used or produced by those in the  
printing industry,* between the plant  
sites and facilities of the R. R. Donnelly  
Printing Co., located at Gallatin, TN, Los  
Angeles, CA, Chicago, IL,  
Crawfordsville, IN, Dwight, IL, Glasgow,  
KY, Harrisonburg, VA, Lancaster, PA,  
Mattoon, IL, Old Saybrook, CT,  
Spartanburg, SC, Williard, OH, and  
Warsaw, IN, on the one hand, and, on  
the other points in the U.S. (except AK  
and HI) under continuing contracts with  
R. R. Donnelly Printing Co. Of Gallatin,  
TN. Supporting shipper: R. R. Donnelly  
Printing Co., 801 Steam Plant Road,  
Gallatin, TN 37066.

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 17095 (Sub-5-1TA), filed  
December 28, 1981. Applicant:

DARNALL TRUCK SERVICE, INC., P.O. Drawer 1346, Great Bend, KS 67530. Representative: William B. Barker, P.O. Box 1979, Topeka, KS 66601. *Steel pipe*, from the facilities of Maverick Tube Corp. at or near Union, MO and Russellville, AR to points in AZ, CO, KS, NE, NM, OK, TX, UT and WY. Supporting shipper: Maverick Tube Corp., Box 12760, St. Louis, MO 63141.

MC 48221 (Sub-5-4TA), filed December 28, 1981. Applicant: W. N. MOREHOUSE TRUCK LINE, INC., 4010 Dahlman Avenue; Omaha, NE 68107. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. (1) *Malt beverages and related advertising materials*, and (2) *empty used beverage containers and materials and supplies used in and dealt with by breweries*, (1) from Jefferson County, CO to AR, MS, MO and TN, and (2) from AR, MS, TN and MO to Jefferson County, Co. Supporting shipper: Adolph Coors Company, Golden, CO 80401.

MC 107496 (Sub-5-60TA), filed December 28, 1981. Applicant: RUAN TRANSPORT CORP., 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. *Roofing products and roofing shingles*, from Green County, MO, to points in TX, KS, OK, AR, and NE. Supporting shipper: Tile Roofers, Inc., P.O. Box 214, Strafford, MO 65757.

MC 116164 (Sub-5-2TA), filed December 28, 1981. Applicant: ARROW TRANSPORTATION CO., 1911 NW. 58th Avenue, Des Moines, IA 50313. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. *Refractories products, buildingboard, wallboard, and materials and supplies used in the manufacturing and installation of these commodities*, between points in IL, IN, IA, KY, KS, MD, MI, MN, MO, NE, NJ, NY, OH, PA, TN, WV and WI, restricted to traffic originating at or destined to the facilities of General Refractories Company. Supporting shipper: General Refractories Company, 225 City Avenue, Bala Cynwyd, PA 19004.

MC 117765 (Sub-5-26TA), filed December 28, 1981. Applicant: HAHN TRUCK LINE, INC., P.O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagan (same address as applicant). *Insulation Materials, Precast Insulation Molds*, From Waco, TX to KS, MO and OK; From Dallas, TX to KY; From Pevely, MO, Florence, KY, Natchez, MS to KS and OK. Supporting shipper: Thermal Shield, Inc., 6015 South High, Oklahoma City, OK 73149.

MC 121517 (Sub-5-21TA), filed December 28, 1981. Applicant: ELLSWORTH MOTOR FREIGHT LINES, INC., 2120 N. 161st E. Avenue, Tulsa, OK 74138. Representative: Jerry C. Slaughter (same as above). *Metal Products* from Madill, OK to points in TX, AR, MO, KS, NE, IA, MN, SD, and ND. Supporting shipper: Oklahoma Steel and Wire Co. Box 220 Madill, OK 73446.

MC 133466 (Sub-5-1TA), filed December 28, 1981. Applicant: FORT CALHOUN EXPRESS, INC., 12th and Madison, Fort Calhoun, NE 68023. Representative: Kelly C. Shadden (same as applicant). *Pulp, paper, and related products* from Kansas City, MO on the one hand, and, on the other, points in Douglas, Sarpy, and Lancaster Counties in NE and Mills County, IA. Supporting shipper: Inland Container Corporation, Omaha, NE 68107.

MC 135078 (Sub-5-17TA), filed December 28, 1981. Applicant: AMERICAN TRANSPORT, INC., 7850 "F" Street, Omaha, NE 68127. Representative: Arthur J. Cerra, 2100 Charter Bank Center, P.O. Box 19251, Kansas City, MO 64141. Contract, Irregular; *Paper and paper products* between La Palma, CA; Phoenix and Flagstaff, AZ; Pryor, OK; and points in TX, under continuing contract(s) with Orchids Paper Products, 5911 Fresca Drive, La Palma, CA 90623.

MC 142672 (Sub-5-30TA), filed December 28, 1981. Applicant: DAVID BENEUX PRODUCE AND TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Harry Keifer (same as applicant). (1) *Fruit juices, fruit drinks* (2) *materials, equipment, and supplies used in the manufacture or distribution of the commodities in part* (1), between Akron, OH, on the one hand, and, on the other, points in TX, LA, OK, MS, TN, KS, and MO. Supporting shipper: Ohio Pure Foods, Akron, OH.

MC 144858 (Sub-5-14TA), filed December 28, 1981. Applicant: DENVER SOUTHWEST EXPRESS, INC., 11900 Stagecoach Road, Little Rock, AR 72219. Representative: Scott E. Daniel (same as applicant). Contract; Irregular. *General Commodities (except Classes A and B explosives)*, between points in the U.S., under a continuing contract with The Taylor Wine Company, Inc. Supporting shipper: The Taylor Wine Company, Inc., Hammondsport, NY 14840.

MC 148832 (Sub-5-8TA), filed December 24, 1981. Applicant: DELTA MOTOR FREIGHT, INC., 1616 Rowe Boulevard, Poplar Bluff, MO. 63901. Representative: Ronald D. Dodds, President, 1616 Rowe Boulevard, Poplar

Bluff, MO. 63901, Common, Regular *General Commodities* (except classes A and B explosives and hazardous wastes) between Kansas City, MO (and commercial zone thereof) and Poplar Bluff, MO (and commercial zone thereof) over U.S. Hwy 71 to junction MO Hwy 7, then over MO Hwy 7 to junction MO Hwy 13, then over MO Hwy 13 to junction U.S. Hwy 60, then over U.S. Hwy 60 to Poplar Bluff, MO. Tacking and interlining is intended. Supporting shippers: 50.

MC 150806 (Sub-5-5TA), filed December 28, 1981. Applicant: WECO, INC., 500 Scott Street, Kansas City, KS 66119. Representative: Erle W. Francis, Esq., 719 Capitol Federal Bldg., Topeka, KS 66603. (1) *Foodstuffs*, and (2) *Materials, equipment and supplies used in the manufacture and distribution of foodstuffs*, between Shawnee County, KS, on the one hand, and on the other, points in AR, GA, MS, TN and TX. Supporting shipper: Seaboard Allied Milling Co., Shawnee Mission, KS.

MC 153723 (Sub-5-6TA), filed December 28, 1981. Applicant: A & M ENTERPRISES, INC., P.O. Box 884, Springdale, AR 72764. Representative: Don Garrison, Esq., Box 1065, Fayetteville, AR 72702. *Chemicals and Related Products*- Between Little Rock, AR, on the one hand, and, on the other, points in the U.S. Supporting Shipper: Big T Chemical, Inc., 516 North Oak, Little Rock, AR 72205.

MC 153723 (Sub-5-7TA), filed December 28, 1981. Applicant: A & M ENTERPRISES, INC., P.O. Box 884, Springdale, AR 72764. Representative: Don Garrison, Esq., P.O. Box 1065, Fayetteville, AR 72702. *Scrap Plastic Products, Plastic Resins and Materials, Equipment and Supplies used in the manufacture thereof*: Between points in the U.S. Supporting shipper: Simpson Plastics, Inc., 11521 East Pine Street, Tulsa, OK 74116.

MC 153773 (Sub-5-5TA), filed December 28, 1981. Applicant: NDC TRUCKING CO., P.O. Box 7364, Longview, TX 75601. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. *Motor Oil, Grease and Lubricating Oil* between Dallas, Port Arthur and Longview, TX on the one hand, and, on the other, points in AL, AR, CO, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, NM, ND, OH, OK, SD, TN, TX, WI and WY. Supporting shipper: National Distributing Co., P.O. Box 402241, Garland, TX 75404.

MC 154488 (Sub-5-6 TA), filed December 28, 1981. Applicant: LASLEY TRUCKING COMPANY, INC., Highway 64 East, Conway, AR 72032.

Representative: John B. Fowlkes, Jr. (same as applicant). Contract; Irregular, *Steel having prior water or rail movement* from (a) Little Rock, AR and (b) Memphis, TN on the one hand to the facilities of Polyvend, Inc., Conway, AR on the other hand under continuing contract with Polyvend, Inc. Supporting Shipper: Polyvend, Inc., South German Lane, Conway, AR 72032.

MC 154768 (Sub-5-10 TA), filed December 28, 1981. Applicant: IOWA EXPRESS DISTRIBUTION, INC., 2165 NW 108th Street, Des Moines, IA 50322. Representative: Harold W. Sternberg (same as applicant). Contract, Irregular; *General Commodities, paper products, toys, hardware products, and rubber and plastic products* between Des Moines, IA on the one hand, and, on the other, points in IA, Omaha, NE and Rock Island County, IL under continuing contract(s) American Delivery System. Shipper: American Delivery System, Detroit, MI 48203.

MC 159864 (Sub-5-1 TA), filed December 28, 1981. Applicant: UNITED STAR CORP., No. 14 Heather, St. Peters, MO 63376. Representative: W. R. England, III, Hawkins, Brydon & Swearingen P. C., P.O. Box 456, Jefferson City, MO 65102. Contract, Irregular. *General commodities (except commodities in bulk, household goods, Classes A and B explosives, and those commodities which, because of their size or weight, require the use of special handling or special equipment)* between points in the US. Supporting shipper: Gerber Industries, 1 Gerber Drive, St. Peters, MO 63376.

MC 159883 (Sub-5-1 TA), filed December 29, 1981. Applicant: ELECTRONIC DATA CARRIERS OF TEXAS, INC., Suite 100, 2203 Timberloch Place, Woodlands, TX 77380. Representative: E. Larry Wells, P.O. Box 45538, Dallas, TX 75245. Contract, irregular; *Electronic equipment and materials, equipment and supplies used in the manufacture of such commodities* between Garland, TX on the one hand and, on the other, points in the U.S. under a continuing contract(s) with E-Systems, Inc., P.O. Box 226118, Dallas TX 75286.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 82-500 Filed 1-8-82; 8:45 am]  
BILLING CODE 7035-01-M

[Finance Docket No. 29756]

### Southern Railway Company and Golden Triangle Railroad; Exemption

AGENCY: Interstate Commerce Commission.

### ACTION: Notice of Exemption.

**SUMMARY:** The Commission exempts from the requirements of prior approval under 49 U.S.C. 10901 the construction and operation of a 620-foot interchange connecting track at Columbus, MS by the Southern Railway Company and Golden Triangle Railroad.

**DATE:** This exemption is effective February 10, 1982. Petitions for reconsideration must be filed by February 1, 1982.

**ADDRESSES:** Send petitions for reconsideration to:

(1) Section of Finance, Room 5414, Interstate Commerce Commission, Washington, DC 20423; and

(2) Petitioners' Representatives:

James L. Tapley, P.O. Box 1808, Washington, DC 20013  
John Guandolo, Suite 502, Solar Building, 1000 16th St., NW., Washington, DC 20036.

Robert A. Dowdy, Law Department, Weyerhaeuser Company, Tacoma, WA 98477.

Copies of the full decision may be obtained from: Interstate Commerce Commission, Office of the Secretary, Room 2227, 12th and Constitution Ave., NW., Washington, DC 20423; or by calling toll-free—800-424-5403.

**FOR FURTHER INFORMATION CONTACT:** Richard A. Kelly, (202) 275-7564.

**SUPPLEMENTARY INFORMATION:** The decision served by the Commission gives further information.

Decided: January 4, 1982.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 82-602 Filed 1-1-82; 8:45 am]  
BILLING CODE 7035-01-M

[Finance Docket No. 29799 (Sub-No. 1), et al.]

### Rail Carriers; M&E Transportation Co., Purchase Morristown and Erie Railroad Co. et al.

January 6, 1982.

AGENCY: Interstate Commerce Commission.

ACTION: Acceptance of purchase application and revised notice of reorganization plan.

In the matter of M&E Transportation Company—Purchase—Morristown and Erie Railroad Company, Finance Docket No. 28691 (Sub-No. 4); The Morristown and Erie Railroad Company—Reorganization Plans, Finance Docket

No. 29799; The Morristown and Erie Railway Company—Purchase—Morristown and Erie Railroad Company.

**SUMMARY:** The Morristown and Erie Railroad Company (M&E) is now in reorganization in a proceeding pending before the District Court for the District of New Jersey. The M&E Transportation Company Inc. (MET) has submitted a purchase plan to the Commission for review under section 17(b) of the Milwaukee Railroad Restructuring Act. The Commission is accepting that plan and will consider it in the consolidated proceeding instituted in the finance docket listed above. See 46 FR 62718. Because MET's application has been filed very recently, and because information in that application has led the Commission to revise its description of one of the reorganization plans under consideration in the consolidated proceeding, the Commission is revising the procedural schedule in these dockets.

**DATES:** (1) Verified statements supporting or opposing the purchase application are due on January 29, 1982. (2) Verified statements from the United States Secretary of Transportation and the Attorney General of the United States are due on February 12, 1982. (3) Verified replies are due on February 22, 1982.

**ADDRESS:** An original and 10 copies of all statements should refer to Finance Docket No. 28691 (Sub-No. 4), Finance Docket No. 29799 and Finance Docket No. 29799 (Sub-No. 1) and be sent to: Section of Finance, Room 5414, Interstate Commerce Commission, Washington, D.C. 20423.

Copies of any statement should also be sent to: (1) Representative for Mandelbaum and Mandelbaum: Ravin & Kesselhaut, 80 Main Street, West Orange, NJ 07052; (2) Representative for the Friedland group: Pitney, Hardin, Kipp, & Szuch, 163 Madison Avenue, Morristown, NJ 07960; (3) Representative for the trustee: Crummy, Del Deo, Dolan & Purcell, Attorneys for the Trustee, Gateway I, Newark, NJ 07102; (4) Clerk, United States District Court for the District of New Jersey, Newark, NJ 07102.

**FOR FURTHER INFORMATION CONTACT:** Ernest B. Abbott (202) 275-3002.

**SUPPLEMENTARY INFORMATION:**

### Background

The Morristown and Erie Railroad Company (M&E) conducts operations over a line which extends

<sup>1</sup> Statements filed with the Court should refer to docket number B 77-3078.

approximately 11 miles from Morristown, NJ to Great Notch, NJ. The M&E has been in reorganization under Section 77 of the Bankruptcy Act since January 9, 1978. The District Court for the District of New Jersey has forwarded to the Commission for evaluation under Section 77 of the former Bankruptcy Act two plans of reorganization for the M&E.

One of these plans was submitted by the firm of Mandelbaum and Mandelbaum, representatives for the M&E Transportation Company, Inc. (MET). The other plan was submitted by the Trustee for the M&E and the Friedland group for a newly-formed corporation, the Morristown and Erie Railway, Inc. (MER) On December 10, 1981, the Friedland group also submitted an application under section 17(b) of the Milwaukee Railroad Restructuring Act for acquisition of assets of the M&E by MER.<sup>2</sup> On December 22, 1981, the Commission instituted a consolidated proceeding to consider the two reorganization plans and the purchase plan.

#### MET'S Purchase Application

On December 30, 1981, MET also filed an application under Section 17(b) for purchase of the assets of the M&E. This application has been docketed as Finance Docket No. 29799 (Sub-No. 1). MET states that both its reorganization and purchase plans call for the purchase of the assets, rather than the stock, of the M&E.<sup>3</sup> Under the purchase plan, consideration for the assets of the M&E would consist of \$175,000 cash and \$1,308,000 in new non-interest-bearing notes, payable over a ten-year period after consummation of the sale. Following consummation, MET would continue rail operations, offering service 5 days a week and expanding some operations.

The purchase application is complete under the Commission's regulations at 49 CFR 1111.20-.25 governing the contents of an application in a minor transaction. The Commission is hereby accepting the application.

#### Procedures

The Commission is consolidating MET's purchase application with the proceeding instituted by its decision of December 22, 1981 in these dockets. See, 46 FR 62718, December 28, 1981. Because of the consolidation of MET's purchase

<sup>2</sup> Under this plan, MER would purchase the principal assets of the M&E for a sum equal to \$600,000 minus \$25,000 for each calendar month for which MER is not the lessee of the M&E under an interim operating agreement, but in no event would that sum be less than \$500,000.

application, and because of the revisions to the description of MET's reorganization plan, the Commission has extended the procedural schedule by two weeks. The revised schedule is set forth above. Regulations governing this proceeding are located at 49 CFR 1111.25 and 49 CFR Part 1100. Persons wishing to file verified statements concerning the reorganization plans or the proposed purchases can obtain copies of the plans and purchase applications from the respective representatives listed above. All plans are also available for public inspection at the Commission.

#### It is ordered:

1. The application is accepted for consideration and consolidated with the proceeding in Finance Docket Nos. 28691 (Sub-No. 4) and 29799;
2. Parties shall comply with the procedural requirements stated above;
3. This decision shall be effective on January 11, 1982.

By the Commission, Heber P. Hardy,  
Director, Office of Proceedings.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 82-717 Filed 1-9-82; 8:45 am]

BILLING CODE 7035-01-M

#### LIBRARY OF CONGRESS

##### American Folklife Center, Board of Trustees; Meeting

In accordance with Pub. L. 94-463, the Board of Trustees of the American Folklife Center announces its meeting to be held on Tuesday, February 9, 1982, in the Whittall Pavilion of the Library of Congress from 9:30 a.m. to 5:00 p.m. The meeting will be open to the public. It is suggested that persons planning to attend this meeting as observers contact Eleanor Sreb, American Folklife Center, (202) 287-6590.

The American Folklife Center was created by the U.S. Congress with passage of Pub. L. 94-201, the American Folklife Preservation Act, in 1976. The Center is directed to "preserve and present American folklife" through programs of research, documentation, archival preservation, live presentation, exhibition, publication, dissemination, training, and other activities involving the many folk cultural traditions of the United States. The Center is under the general guidance of a Board of Trustees composed of members from Federal agencies and private life widely recognized for their interest in American folk traditions and arts.

The Center is structured with a small core group of versatile professionals who both carry out programs themselves and oversee projects done by contract

by others. In the brief period of the Center's operation it has begun energetically to carry out its mandate with programs that provide coordination, assistance, and model projects for the field of American folklife.

Raymond L. Dockstader,

Deputy Director, American Folklife Center.

[FR Doc. 82-622 Filed 1-8-82; 8:45 am]

BILLING CODE 1410-01-M

#### NUCLEAR REGULATORY COMMISSION

[Docket No. 50-369]

##### Duke Power Co.; Issuance of Amendment; Facility Operating License No. NPF-9

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 10 to Facility Operating License No. NPF-9, issued to Duke Power Company (licensee) for the McGuire Nuclear Station, Unit 1 (the facility) located in Mecklenburg County, North Carolina. The amendment is effective as of its date of issuance.

The amendment extends the required implementation dates for the following operating license conditions: (1) Reactor vessel water level instrumentation system (2.C.(11)f.(1)), (2) revised small break LOCA model submission (2.C.(11)l.(2)), and (3) incore thermocouple system upgrade (2.C.(11)f.(3)).

Issuance of this amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) Duke Power Company letters dated November 11 and December 16, 1981, (2) Amendment No. 10 to Facility Operating License No. NPF-9 and (3) the Commission's related Safety Evaluation.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW, Washington, D.C., and the Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223. A copy of these items may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 31st day of December 1981.

For the Nuclear Regulatory Commission:

**Calvin W. Moon,**

*Acting Chief, Licensing Branch No. 4, Division of Licensing, NRR.*

[FR Doc. 82-659 Filed 1-9-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-250 and 50-251]

**Florida Power and Light Co.; Issuance of Amendment to Facility Operating Licenses**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 75 to Facility Operating License No. DPR-31, and Amendment No. 69 to Facility Operating License No. DPR-41 issued to Florida Power and Light Company (the licensee), which revised Technical Specifications for operation of Turkey Point Plant, Unit Nos. 3 and 4 (the facilities) located in Dade County, Florida. The amendments are effective as of the date of issuance.

The amendments change the Technical Specifications to conform with the Commission's Bulletins and Orders Task Force review regarding Auxiliary Feedwater Pump requirements following the Three Mile Island Accident.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in

connection with issuance of these amendments.

For further details with respect to this action, see (1) The application for amendments dated April 13, 1981, (2) Amendment Nos. 75 and 69 to License Nos. DPR-31 and DPR-41, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 24th day of December, 1981.

For the Nuclear Regulatory Commission,

**Steven A. Varga,**

*Chief Operating Reactors Branch No. 1, Division of Licensing.*

[FR Doc. 82-660 Filed 1-9-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-315 and 50-316]

**Indiana and Michigan Electric Co.; Issuance of Amendment to Facility Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 50 to Facility Operating License No. DPR-58, and Amendment No. 35 to Facility Operating License No. DPR-74 issued to Indiana and Michigan Electric Company (the licensee), which revised Technical Specifications for operation of Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2 (the facilities) located in Berrien County, Michigan. The amendments were effective as of August 18, 1981.

The amendments were authorized on August 14, 1981 and August 17, 1981 and were confirmed by letter dated August 18, 1981. The amendments modify License Nos. DPR-58 and DPR-74 to include a one time only relief from the requirements of Technical Specification 3.0.3. This change allows plant operation to proceed at reduced power while temporary bracing is installed around appropriate cabinets, motor control centers and switchgear. Then operation at 100% power is approved. Installation of the permanent modifications are to be completed by August 21, 1981. The amendments were authorized on an expedited basis to maintain the plants at steady-state condition and avoid a shutdown transient shown by our evaluation to be unnecessary but

required by Technical Specifications unless amended.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see: (1) The request for amendments dated August 14, 1981, as supplemented by letter dated August 17, 1981, (2) the Commission's letter to the licensee dated August 18, 1981, (3) Amendment Nos. 50 and 35 to License Nos. DPR-58 and DPR-74, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085. A copy of items (2), (3) and (4) 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 30 day of November 1981.

For the Nuclear Regulatory Commission,

**Steven A. Varga,**

*Chief Operating Reactors Branch No. 1, Division of Licensing.*

[FR Doc. 82-661 Filed 1-9-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-327]

**Tennessee Valley Authority; Issuance of Amendment; Facility Operating License No. DPR-77**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 10 to Facility Operating License No. DPR-77, issued to Tennessee Valley Authority (licensee) for the Sequoyah Nuclear Plant, Unit 1

(the facility) located in Hamilton County, Tennessee. This amendment revises implementation dates of several items from January 1, 1982, to no later than startup following the first 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 regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) Tennessee Valley Authority letter dated November 23, 1981, (2) Amendment No. 10 to Facility Operating License No. DPR-77, and (3) the Commission's related Safety Evaluation.

All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and the Chattanooga Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tennessee 37402. A copy of Amendment No. 10 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 31st day of December 1981.

For the Nuclear Regulatory Commission,  
**Elinor G. Adensam,**  
*Chief, Licensing Branch No. 4, Division of Licensing.*

[FR Doc. 82-662 Filed 1-9-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-328]

**Tennessee Valley Authority; Issuance of Amendment, Facility Operating License No. DPR-79**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 3 to Facility Operating License DPR-79, issued to Tennessee Valley Authority (licensee)

for the Sequayah Plant, Unit 2 (the facility) located in Hamilton County, Tennessee. This amendment extends the date by which calculations for small-break LOCAs must be submitted to NRC. The amendment is effective as of its 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 regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendments. 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) Tennessee Valley Authority letter dated December 18, 1981; (2) Amendment No. 3 to Facility Operating License No. DPR-79; (3) the Commission's related Safety Evaluation.

All of these items are available for public inspection at the Commission's Public Document room, 1717 H Street, NW., Washington, D.C., and the Chattanooga Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tennessee 37402. A copy of Amendment No. 3 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 31st day of December 1981.

For the Nuclear Regulatory Commission,  
**Elinor G. Adensam,**  
*Chief, Licensing Branch No. 4, Division of Licensing.*

[FR Doc. 82-663 Filed 1-9-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-339]

**Virginia Electric and Power Co.; Issuance of Amendment to Facility Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 14 to Facility Operating License No. NPF-7 issued to the Virginia Electric and Power

Company (the licensee) for operation of the North Anna Power Station, Unit No. 2 (the facility) located in Louisa County, Virginia. The amendment is effective as of its date of issuance.

The amendment revised the time required for the licensee to complete the implementation dates for NUREG-0737 Long-Term Action Items IIB.3, IIF.1, Attachments 1, 2, 3, and 6, and IIF.2.1. The time required for implementing the above Action Items has been extended from January 1, 1982 to July 1, 1982.

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 this 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 December 18, 1981; (2) Amendment No. 14 to Facility Operating License No. NPF-7; and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Board of Supervisor's Office, Louisa County Courthouse, Louisa, Virginia 23093 and at the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901. A copy of items (2) and (3) may be obtained upon request to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 31st day of December, 1981.

For the Nuclear Regulatory Commission,  
**Robert A. Clark,**  
*Chief, Operating Reactors Branch No. 3, Division of Licensing.*

[FR Doc. 82-664 Filed 1-8-82; 8:45 am]

BILLING CODE 7590-01-M

[License No. 12-13568-01 (EA-82-32)]

### Isotope Measurements Laboratories, Inc.; Hearing

Isotope Measurements Laboratories, Inc., 3304 Commercial Avenue, Northbrook, IL 60062 (Licensee) is the holder of NRC License No. 12-13568-01 which authorizes the licensee to receive, store and deliver packaged radiopharmaceuticals to specifically licensed recipients, in accordance with the conditions specified therein.

Pursuant to section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282), and 10 CFR 2.205 of the Commission's regulations, on May 28, 1981, the Director of the Office of Inspection and Enforcement served on the licensee a Notice of Violation and Proposed Imposition of Civil Penalty, which alleged that violations of Commission requirements had occurred and set forth civil penalties to be assessed for the violations. The violations were identified as a result of an investigation of the licensee's activities conducted from June 1980 through January 1981, which found that the licensee was receiving and distributing radiopharmaceuticals without specific authorization. After consideration of the licensee's June 24, 1981 response, the Director issued an Order Imposing a Civil Penalty on October 22, 1981 in the total amount of \$5700.00. 46 FR 53548 (October 29, 1981). By letter dated November 2, 1981, the licensee requested a hearing.

Pursuant to the Atomic Energy Act of 1954, as amended, and regulations in Title 10, Code of Federal Regulations, Part 2, notice is hereby given that a hearing will be held before the Honorable Ivan W. Smith, Administrative Law Judge, at a time to be set by the Administrative Law Judge. The issues to be considered and decided shall be:

(a) Whether the licensee was in noncompliance with the Commission's requirements as set forth in the May 28, 1981 Notice of Violation and Proposed Imposition of Civil Penalty;

(b) Whether the October 22, 1981 Order Imposing a Civil Penalty should be sustained.

A prehearing conference will be held by the Administrative Law Judge at a date and place to be set by him to consider pertinent matters in accordance with the Commission's Rules of Practice. The date and place of hearing will be set at or after the prehearing conference and notice in the *Federal Register*. Pursuant to 10 CFR 2.705, an answer to this Notice may be

filed by the licensee not later than February 1, 1982.

Required papers shall be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Docketing and Service Branch, or by delivery to the Commission's Public Document Room 1717 H Street, NW., Washington, D.C.

Pending further order of the Administrative Law Judge, parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and two (2) copies of each document with the Commission. Pursuant to 10 CFR 2.785, the Commission authorizes an Atomic Safety and Licensing Appeal Board to exercise the authority and perform the review functions which would otherwise be exercised and performed by the Commission. The Appeal Board will be designated pursuant to 10 CFR 2.787, and notice as to membership will be published in the *Federal Register*.

Dated at Washington, D.C. this 5th day of January, 1982.

For the Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 82-665 Filed 1-8-82; 9:45 am]

BILLING CODE 7590-01-M

## OFFICE OF MANAGEMENT AND BUDGET

### Agency Forms Under Review

#### Background

When executive departments and agencies propose public use forms, reporting, recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C. Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the act also considers comments on the forms and recordkeeping requirements that will affect the public.

#### List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the

nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out; Who will be required or asked to report;

The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal Budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

An estimate of the cost to the public;

The number of forms in the request for approval;

An indication of whether section 3504(h) of Pub. L. 96-511 applies;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the *Federal Register*, but occasionally the public interest requires more rapid action.

#### Comments and questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

#### DEPARTMENT OF ENERGY

Agency Clearance Officer—John Gross—202-633-9770

#### New

- Federal Energy Regulatory Commission  
Refund Obligations  
FERC 569  
Other—see SF83  
Businesses or other institutions  
Natural gas producers  
SIC: 999  
Energy information, policy, and regulation: 2,250 responses; 2,250 hours; \$24,500 Federal cost; 1 form; not applicable under 3504(h)  
Anita T. Ducca, 202-395-7340

Application is required to establish procedures for interim collection of wellhead prices subject to refund, so that the Commission can carry out its responsibilities under sections 503(c) and 504(a) of the NGPA.

#### Revisions

- Federal Energy Regulatory Commission  
Water Power Projects With More Than 5 MW Capacity  
FERC—500  
On occasion  
State or local governments/businesses or other institutions  
Hydroelectric developers or plants with more than 5 MW cap.  
SIC: 491  
Energy information, policy, and regulation: 80 responses; 42,240 hours; \$0 Federal cost; 1 form; not applicable under 3504(h)  
Anita T. Ducca, 202-395-7340

Applies to any issuance of licensure, amendment, or relicensure for any prospective or existing hydroelectric power project with a capacity of more than 5 MW for which approval must be granted by the Federal Energy Regulatory Commission.

#### Extensions (No Change)

- Federal Energy Regulatory Commission  
Cost and Quality of Fuels for Electric Plants  
FPC—423  
Monthly  
Businesses or other institutions  
Electric utility companies  
SIC: 491  
Energy information, policy, and regulation: 10,800 responses; 21,600 hours; \$82,400 Federal cost; 1 form; not applicable under 3504(h)  
Anita T. Ducca, 202-395-7340

This form is used to gather information on the cost and quality of fuels delivered to electric utility plants. The responses are used in evaluation of individual utility costs and practices in rate cases, and in the required periodic reviews to insure efficient use of resources.

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202-245-7488.

#### Revisions

- Social Security Administration  
Worksheet for Integrated AFDC, Food Stamps and Medicaid Quality Control Reviews  
SSA—4340 (11-81)  
Semiannually  
Individuals or households  
AFDC recipients  
Public assistance and other income supplements: 30,636 responses; 247,226 hours; \$129,867 Federal cost; 1 form; not applicable under 3504(h)  
Robert Neal, 202-395-6880

SSA's major management tool for obtaining a measurement of all payments made and providing data and analysis to help operations managers improve payment accuracy.

#### Extensions (No Change)

- Office of Assistant Secretary for Health  
Public Health Service Sterilization Record  
PHS—6044  
Quarterly  
Businesses or other institutions  
Ambulatory health care organizations  
SIC: 808  
Health: 800 responses; 800 hours; \$4,500 Federal cost; 1 form; \$8,000 Public cost; not applicable under 3504(h)  
Gwendolyn Pla, 202-395-6880

The data collected by this form is essential in order for the department to adequately monitor compliance with the department's sterilization regulations.

The data also enables the department to provide the Congress, the public, and program officials with information concerning the number and characteristics of individuals sterilized with DHHS funds.

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—202-755-5184.

#### New

- Housing Programs  
CIAP—Survey Instrument  
On occasion  
Businesses or other institutions  
Public housing agencies  
SIC: 953  
Public assistance and other income supplements: 300 responses; 7,200 hours; \$0 Federal cost; 1 form; not applicable under 3504(h)  
Richard Sheppard, 202-395-6880

Explanation detailed in justification.

- Housing Programs  
CIAP Consultation  
On occasion  
Businesses or other institutions  
Public housing agencies  
SIC: 953  
Public assistance and other income supplements: 1,025 responses; 3,450 hours; \$0 Federal cost; 3 forms; not applicable under 3504(h)  
Richard Sheppard, 202-395-6880

Explanation in attached justification.

- Housing Programs  
CIAP—Reporting/Monitoring  
On occasion, quarterly  
Businesses or other institutions  
Public housing agencies  
SIC: 953  
Public assistance and other income supplements: 4,500 responses; 6,600 hours; \$0 Federal cost; 4 forms; not applicable under 3504(h)  
Richard Sheppard, 202-395-6880

See attached justification.

#### Reinstatements

- Housing Programs  
CIAP—Pre-FY 1982  
HUD—52990, 52994, 52995, 52993  
On occasion, quarterly  
Businesses or other institutions  
Public housing agencies  
SIC: 953  
Public assistance and other income supplements: 3,760 responses; 7,280 hours; \$0 Federal cost; 4 forms; not applicable under 3504(h)  
Richard Sheppard, 202-395-6880

Authority for these forms is derived from secs. 6(a) and 6(c)(4)(B) of the United States Housing Act of 1937 as

amended by the Housing and Community Development Act of 1974 (PL 93-383, 88 Stat 633). These are interrelated forms in that each relates to an essential program element i.e., budget preparation—modernization work program, quarterly progress report and cost certifications.

- Housing Programs  
CIAP—Application Requirements  
HUD 52823  
On occasion  
State or local governments  
Public housing agencies  
SIC: 953  
Public assistance and other income supplements: 4,050 responses; 12,025 hours; \$75,900 Federal cost; 8 forms; not applicable under 3504(h)  
Richard Sheppard, 202-395-6880

These forms will be used by PHA's as aids in the assessment of their financial, management and physical problems. The forms are necessary to implement the comprehensive improvement assistance program of the Housing Community Development Act of 1980.

#### DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202-634-5394.

#### Revisions

- Comptroller of the Currency  
Consolidated Report of Condition and Consolidated Report of Income (National Banks)—IBF's  
Quarterly, semiannually, annually  
Businesses or other institutions  
National banks  
SIC: 602  
Small businesses or organizations  
Other advancement and regulation of commerce: 28,596 responses; 351,948 hours; \$1,400,000 Federal cost; 1 form; \$6,612,360 public cost; not applicable under 3504(h)  
Richard S. Stavneak, 202-395-6880

Reports are filed pursuant to 1 U.S.C. 161 and 12 U.S.C. 164. Data are used to monitor the financial condition and earnings performance of individual banks as well as the entire banking industry. Data are also used for research, program planning and OCC publications.

#### Extensions (Burden Change)

- Internal Revenue Service  
Applications for Approval of Master or Prototype Defined Contribution or Benefit Plans  
4461, 4461-A  
Nonrecurring  
Businesses or other institutions  
Trade or prof assns, banks, insur cos, regulated invest, etc  
SIC: 602, 631

Small businesses or organizations  
Central fiscal operations, 1,028 responses; 8,441 hours; \$33,216 Federal cost; 2 forms; not applicable under 3504(h)

Fay S. Iudicello, 202-395-3090

IRS uses the form to determine from the information given whether the applicant's plan qualifies under Section 401(a) of the Internal Revenue Code and whether the related trust qualifies for tax exempt status under Section 501(a) of the Code.

- Internal Revenue Service  
Request for payment  
CP 14/F 3446, CP 714/F4656  
On occasion  
Individuals or households  
All individ taxpayers who have a balance due after, etc.  
Central fiscal operations, 4,019,185 responses; 1,004,796 hours; \$23,747,343 Federal cost; 2 forms; not applicable under 3504(h)  
Fay S. Iudicello, 202-395-3090

CP 14 is used to advise the taxpayer that there is a balance due on their account. The bottom portion of the CP is to be used for making payment or inquiry. CP 714/form 4656(SP) is the identical Spanish version of CP 14/form 3446.

- Internal Revenue Service  
Correction notice—Balance due IRS  
CP 11/F 4084, CP 711/F4656  
On occasion  
Individuals or households  
All individ who have made a mathematical error, etc.  
Central fiscal operations, 1,016,566 responses; 254,141 hours; \$6,006,378 Federal cost; 2 forms; not applicable under 3504(h)  
Fay S. Iudicello, 202-395-3090

CP 11/form 4084 is used to advise the taxpayer that we corrected a math error on his or her return and there is now a balance due.  
CP 711/form 4656(SP) is the identical Spanish version of CP 11/form 4084.

#### Extensions (No Change)

- Internal Revenue Service  
Transit time data card  
500-5-587  
Annually  
Individuals or households/farms/businesses or other institutions  
General public  
SIC: All  
Small businesses or organizations  
Central fiscal operations, 2,000 responses; 33 hours; \$534 Federal cost; 1 form; not applicable under 3504(h)  
Fay S. Iudicello, 202-395-3090

The transit time data card is designed to help improve the service of providing

tax forms. It allows the monitoring of transit time of tax forms by U.S. Mail or United Parcel Service. Package condition can also be checked and "trouble" areas can be corrected easier. Random mailings are sampled during the months of October through April each year.

#### FEDERAL COMMUNICATIONS COMMISSION

Agency Clearance Officer—Richard D. Goodfriend—202-632-7513

#### New

- Amendment of Part 74, Subp F of the Commission's rules to permit shared use of broadcast auxiliary facilities with other broadcast and non-broadcast entities and to etc.  
On occasion  
Businesses or other insitutions  
Television and radio broadcast licensees  
SIC: 483  
Small businesses or organizations  
Other advancement and regulation of commerce, 1 response; 1 hour; 1 form; NPRM under 3504(h)  
William T. Adams, 202-395-4814

Reports are presently required of all licensees sharing broadcast auxiliary facilities to insure compliance with 50% time-sharing limitations.

#### FEDERAL MEDIATION AND CONCILIATION SERVICE

Agency Clearance Officer—Ted M. Chaskelson—202-653-5211

#### New

- Project performance report  
LM-8  
Quarterly  
State or local governments/businesses or other institutions  
Labor-management committees  
SIC: Multiple  
Other labor services, 60 responses; 60 hours; \$1,000 Federal cost; 1 form; not applicable under 3504(h)  
Diane Wimberly, 202-395-6880

Form is needed to administer congressionally-mandated grants program and to comply with OMB grant reporting requirements. FMCS will use reported information to monitor grantees project accomplishments.

#### FEDERAL RESERVE SYSTEM

Agency Clearance Officer—William Jones—202-452-2983

#### New

- Report of bank holding company intercompany transactions and balances  
F.R. Y-8

**Semiannually**

Businesses or other institutions  
Domestic bank holding companies  
SIC: 671

General government, 672 responses;  
10,282 hours; \$70,000 Federal cost;  
\$308,448 public cost; 1 form; not  
applicable under 3504(h)

Richard S. Stavneak, 202-395-6880

The F.R. Y-8 is a report required of domestic bank holding companies with consolidated assets of \$300 million or more. The data are screened to identify fund flows, internal transactions, and balances that may have an adverse impact on the financial condition of the subsidiary bank(s).

**GENERAL SERVICES ADMINISTRATION**

Agency Clearance Officer—John F. Gilmore—202-566-1164

**New**

- Notice to proceed

GSA 2417

Other—See SF83

Businesses or other institutions  
Individuals, firms, or organizations who  
have been, etc.

SIC: 154, 161, 171, 172, 173, 174, 175, 176,  
177, 179

Small businesses or organizations

General property and records  
management, 2,000 responses; 100  
hours; \$668 Federal cost; \$682 public  
cost; 1 form; not applicable under  
3504(h)

Franklin S. Reeder, 202-395-3785

Form 2417 is used to advise contractors that bonds are accepted, that the contractor is to proceed with the work, and provides for completion of project within number of days specified after receipt. Form gives date of receipt of notice and date proposed for starting work.

- Certification of payment to subcontractors and suppliers

GSA 2419

Other—See SF83

Businesses or other institutions  
Individuals, firms and organizations  
performing work, etc.

SIC: 154, 161, 171, 172, 173, 174, 175, 176,  
177, 179

Small businesses or organizations

General property and records  
management, 16,000 responses; 800  
hours; \$5,344 Federal cost; \$5,456  
public cost; 1 form; not applicable  
under 3504(h)

Franklin S. Reeder, 202-395-3785

GSA Form 2419 provides certification data regarding timely payment made or to be made to subcontractors and suppliers.

- U.S. Government lease for real property

SF-2, 2A, 2B

Other—See SF83

Individuals or households/businesses or  
other institutions

Commercial real estate operators,  
owners and lessors, etc.

SIC: 651

Small businesses or organizations

General property and records  
management, 10,000 responses; 5,000  
hours; \$30,000 Federal cost; 3 forms;  
not applicable under 3504(h)

Franklin S. Reeder, 202-395-3785

GSA's responsibility is to accommodate Federal agencies in leased space. SF 2, 2A, and 2B are the legal instruments conveying leasehold interests in real property to the Government. The forms are completed by the Government, reflecting the negotiated terms for occupancy, and executed by the property owner and on behalf of the Government.

**SECURITIES AND EXCHANGE COMMISSION**

Agency Clearance Officer—George G. Kundahl—202-272-2142

**New**

- Rule 13E-1 under the Exchange Act

On occasion

Individuals or households/businesses or  
other institutions

Issuers of securities registered pursuant  
to Section 12

SIC: Multiple

Small businesses or organizations

Other advancement and regulation of  
commerce, 20 responses; 260 hours;  
\$1,250 Federal cost; \$12,000 public  
cost; 1 form; not applicable under  
3504(h)

Robert Veeder, 202-395-4814

Rule 13E-1 is designed to provide shareholders and the marketplace with relevant information concerning issuer repurchases during a tender offer for its securities by a third party.

Arnold Strasser,

Acting Chief, Reports Management Branch.

[FR Doc. 82-421 Filed 1-7-82; 8:45 am]

BILLING CODE 3110-01-M

**Agency Forms Under Review**

January 6, 1982.

**Background**

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The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out; Who will be required or asked to report;

The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

An estimate of the cost to the public;

The number of forms in the request for approval;

An indication of whether section 3504 (h) of Pub. L. 96-511 applies;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the *Federal Register*, but occasionally the public interest requires more rapid action.

**Comments and Questions**

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Agency Clearance Officer—Joseph Strnad—202-245-7488**

*New*

- Departmental Management Report of Capitalized Non-Expendable Equipment

OS-29-81

On occasion

Businesses or other institutions  
Contractors doing business with the Department

SIC: multiple

Small businesses or organizations

Other income security: 3,600 responses; 900 hours; \$7,500 Federal costs; 1 form; not applicable under 3504(h)

Gwendolyn Pla, 202-395-6880

This form is used by contractors to report all capital property acquired by them and billed to the Government. It may be used by contractors in the submission of their annual and final inventories.

*Extensions (Burden Change)*

- Social Security Administration

Statement Concerning Banking and Business Transactions

SSA 4366

On occasion

Individuals or households

Aged, blind and disabled individuals or couples, etc.

Other income security: 770,000 responses; 89,833 hours; \$2,517,686 Federal cost; 1 form; not applicable under 3504(h)

Robert Neal, 202-395-6880

Information is needed to identify financial institutions where applicants and beneficiaries transact business. Once identified, the financial institutions are contacted to determine the existence of undisclosed accounts.

**DEPARTMENT OF LABOR**

**Agency Clearance Officer—Paul E. Larson—202-523-6331**

*New*

- Employment and Training Administration

Annual State WIN Plan (State WIN Training Plan), Signature Sheet, and Work Sheets

ETA 8480, 8479, 8484, 8482, 8485

Annually

State or local governments

State WIN programs (ES and welfare agencies)

SIC: 944

Training and employment: 27 responses; 6,201 hours; \$50,260 Federal cost; 4 forms; not applicable under 3504(h)

Laverne V. Collins, 202-395-6880

The State WIN plan is the basic planning and management tool utilized by the national and regional offices to ensure compliance with legislation, regulations, and national office goals. It is also the vehicle for providing initial and final allocation levels to State agencies.

**FEDERAL HOME LOAN BANK BOARD**

**Agency Clearance Officer—Frank J. Crowne—202-377-6025**

*New*

- Application for Mutual to Stock Conversion

Monthly, quarterly, annually  
Businesses or other institutions  
Savings and loan associations

SIC: all

Mortgage credit and thrift insurance: 50 responses; 18,750 hours; \$41,145 Federal cost; 1 form; not applicable under 3504(h)

Richard S. Stavneak, 202-395-6880

Mutual to stock conversion application is a one time submission by mutual associations who wish to

convert to stock form. The disclosure required is for the benefit of the investing public to assure a fair and equitable plan of conversion and adequate disclosure.

- Fair Housing and Nondiscrimination in Lending

Semiannually

Businesses or other institutions

FSLIC-insured

SIC: 612, 616

Mortgage credit and thrift insurance:

3,036,485 responses; 2,400,055 hours;

\$167,000 Federal cost; 1 form;

\$4,205,490 public cost; not applicable under 3504(h)

Richard S. Stavneak, 202-395-6880

Data submission and other recordkeeping requirements of the Equal Credit Opportunity Act (12 CFR 202) and FHLBB regulations (12 CFR 528). Reports replace portions of onsite examination for compliance with ECOA, FHLBB regulations, the Fair Housing and Community Reinvestment Acts, and reduce overall examination time and cost.

**GENERAL SERVICES ADMINISTRATION**

**Agency Clearance Officer—John F. Gilmore—202-566-1164**

*New*

- Representations and Certifications (Construction, etc.)

SF 19B

On occasion

Businesses or other institutions

Construction and architect-engineer firms

SIC: 999

Small Businesses or organizations

General government: 57,000 responses;

7,125 hours; \$40,000 Federal cost; 1

form; \$57,000 public cost; not

applicable under 3504(h)

Franklin S. Reeder, 202-395-3785

The SF 19-B used in the solicitation and award of contracts for construction and architect-engineer services. The information collected by the form is required by various statutes, Executive orders, and regulations.

- Solicitation, Offer and Award and Solicitation Instructions and Conditions

SF 33, 33A

On occasion

Individuals or households/State or local governments/businesses or other institutions

Buss firms, non-profit instit, individs and other govt, etc.

SIC: 999

Small Businesses or organizations

General government: 765,000 responses; 153,000 hours; \$2,068,000 Federal cost; 2 forms; \$2,040,000 public cost; not applicable under 3504(h)

Franklin S. Reeder, 202-395-3785

SF 33 and SF 33A are used in the solicitation and award of contracts for supplies, personal property, and non-personal services. The information collected by this form is required by various statutes, Executive orders, and regulations. The information collected is used to determine a firm's eligibility for contract award.

- Request for Quotations  
SF 18

On occasion

Individuals or households/State or local governments/businesses or other institutions

Suppliers

SIC: 731, 361

Small Businesses or organizations

General government: 6,000,000 responses; 1,500,000 hours; \$10,000,000 Federal cost; 1 form; \$18,000,000 public cost; not applicable under 3504(h)

Franklin S. Reeder, 202-395-3785

SF 18, Request for Quotations, is used to obtain price, delivery, and related information from suppliers prior to placing orders or contracts.

- Solicitation Offer and Award  
(Contract for Building Service)

GSA 1467

Other—see SF83

Businesses or other institutions

Individs, firms and other organizations bidding on GSA, etc.

SIC: 734, 739, 762

Small Businesses or organizations

General property and records

management: 12,50 responses; 3,125 hours; \$31,656 Federal cost; 1 form; \$21,312 public cost; not applicable under 3504(h)

Franklin S. Reeder, 202-395-3785

The GSA form 1467 is used to solicit bids/offers and to contract for building services.

- Pre-Invitation Notice Construction  
Contract

GSA 2056

On occasion

Businesses or other institutions

Constr contractors interested in bidding on GSA contracts

SIC: 154, 161, 171, 172, 173, 174, 175, 176, 177, 179

Small businesses or organizations

General property and records

management: 20,000 responses; 5,000 hours; \$33,400 Federal cost; 1 form; \$34,100 public cost; not applicable under 3504(h)

Franklin S. Reeder, 202-395-3785

GSA form 2056 is required for projects where construction cost estimate is \$100,000 or more (optional under \$100,000). Notice is sent to firms or individuals that may be interested in submitting bids or offers on proposed procurements. Information received is used to determine (1) number of specifications needed to market the project and (2) the interest in the names being kept on the bidders' mailing list.

- Solicitation Instructions and Conditions (Contract for Building Services)

GSA 1467A

Other—see SF83

Businesses or other institutions

Individs, firms and other organizations bidding on GSA, etc.

SIC: 734, 739, 762

Small businesses or organizations

General property and records

management: 12,500 responses; 3,125 hours; \$2,500 Federal cost; 1 form; \$21,312 public cost; not applicable under 3504(h)

Franklin S. Reeder, 202-395-3785

The GSA form 1467A is used to provide prospective bidders/offers instructions on bidding on building service contracts.

- Return of Payroll Document for Correction

GSA 1995

On occasion

Businesses or other institutions

Individs, firms and organi performing on GSA const contracts

SIC: 154, 161, 171, 172, 173, 174, 175, 176, 177, 179

Small Businesses or organizations

General property and records

management: 2,000 responses; 500 hours; \$3,340 Federal cost; 1 form; \$3,410 public cost; not applicable under 3504(h)

Franklin S. Reeder, 202-395-3785

This form is used to return construction contractors' defective payroll submissions to them for correction.

- Release of Claims

GSA 1142

Nonrecurring

Businesses or other institutions

Construction contractors having contracts with GSA

SIC: 154, 161, 171, 172, 173, 174, 175, 176, 177, 179

Small businesses or organizations

General property and records

management: 2,000 responses; 200 hours; \$1,336 Federal cost; 1 form; \$1,364 public cost; not applicable under 3504(h)

Franklin S. Reeder, 202-395-3785

This form is a convenient form for securing a release of claims by the

contractor against the Government. Such a release is required by regulation, and the form simplifies its submission by the contractor.

#### Revisions

- Summary Subcontract Report  
SF 295

Semiannually

Businesses or other institutions

Large businesses which hold Govt contracts in excess, etc.

SIC: all

General government: 4,000 responses; 42,000 hours; \$91,000 Federal cost; 1 form; \$301,000 public cost; not applicable under 3504(h)

Franklin S. Reeder, 202-395-3785

This report is used by contracting agencies to monitor contractor's performance against subcontracting plans. Subcontracting plans are a material part of all contracts of \$500,000 or more under Pub. L. 95-507.

Nathaniel Scurry,

Chief, Reports Management.

[FR Doc. 82-8751 Filed 1-8-82; 8:45 am]

BILLING CODE 3110-01-M

#### Office of Federal Procurement Policy

##### Invitation for Public Comment; Proposed Bulletin

**AGENCY:** Office of Federal Procurement Policy (OFPP), Office of Management and Budget.

**ACTION:** Request for comments on proposed OMB Bulletin.

**SUMMARY:** The Office of Federal Procurement Policy is requesting public and Government agency review and comment on a proposed OMB Bulletin relating to controls over certain management and professional services, special studies and analyses and management and support services for research and development activities.

OMB Circular No. A-120, "Guidelines for the Use of Consulting Services," issued on April 14, 1980, established uniform Government-wide policy and guidelines to be followed by Executive Branch agencies in determining and controlling the appropriate use of consulting services. A July 2, 1980, memorandum from the Director of the Office of Management and Budget to the heads of selected Executive Departments and Establishments directed agencies to develop two management control systems: one for procurement in general, and one for consulting services in particular, to ensure that the requirements of OMB

Circular No. A-120 are in fact, carried out in day-to-day operations.

In reviewing agency implementation of the Circular, the management control plans for consulting services, and examination of data from the Federal Procurement Data System (FPDS), it has been determined that many of the management problems associated with consulting services contracts are also prevalent in contracts for certain management and professional services, special studies and analyses, and management and support services for research and development activities. Accordingly, this Bulletin proposes that the management controls in OMB Circular No. A-120 and the agency management control plans for consulting services be adopted in these services.

As a related action, a revision to OMB Circular No. A-120 is also being published for public and Government agency comment in this issue of the *Federal Register*.

**DATE:** Comments must be received on or before February 10, 1982.

**ADDRESS:** Submit comments to the Office of Federal Procurement Policy, Office of Management and Budget, Room 9013, New Executive Office Building, 726 Jackson Place NW., Washington, D.C. 20503.

**FOR FURTHER INFORMATION CONTACT:** Mr. Fred H. Dietrich, Associate Administrator for Systems and Technology, (202) 395-6810.

Donald E. Sowle,  
Administrator.

**Bulletin 81—To The Heads of Executive Departments and Establishments**

Subject: Management Controls for the Procurement of Certain Management and Professional Services, Special Studies and Analyses, and Management and Support Services for Research and Development Activities.

1. *Purpose.* This Bulletin establishes management controls to be followed by Executive departments and agencies when contracting for certain management and professional services, special studies and analyses, and management and support services for research and development activities.

2. *Background.*

a. OMB Circular No. A-120, "Guidelines for the Use of Consulting Services," issued on April 14, 1980, established uniform Government-wide policy and guidelines to be followed by Executive Branch agencies in determining and controlling the appropriate use of consulting services. A July 2, 1980, memorandum from the Director of the Office of Management and Budget to the heads of selected Executive Departments and Establishments directed agencies to develop two management control systems: one for procurement in general, and one for consulting services to ensure that the

requirements of OMB Circular No. A-120 are in fact, carried out in day-to-day operations.

b. In reviewing agency implementation of OMB Circular No. A-120, the management control plans for consulting services, and examination of data from the Federal Procurement Data System (FPDS), it has been determined that many of the management problems associated with consulting services contracts are also prevalent in contracts for certain management and professional services, special studies and analyses, and management and support services for research and development activities. Accordingly, this Bulletin requires that the management controls in OMB Circular No. A-120 and the agency management control plans for consulting services be applied to these services.

3. *Definitions:*

a. *Governmental functions.* Certain functions are inherently governmental in nature being so intimately related to the public interest as to mandate performance by Federal employees. A "Governmental function" is a function which must be performed in-house due to a special relationship in executing governmental responsibilities. Such governmental functions can fall into several categories:

(1) *Discretionary application of Government authority,* as in investigations, prosecutions and other judicial functions; in management of Government programs requiring value judgments, as in directing the national defense; management and direction of the Armed Services; conduct of foreign relations; selection of program priorities; direction of Federal employees; regulation of the use of space, oceans, navigable rivers and other natural resources; direction of intelligence and counter-intelligence operations; and regulation of industry and commerce, including food and drugs.

(2) *Monetary transactions and entitlements,* as in Government benefit programs; tax collection and revenue disbursements by the Government; control of the public treasury, accounts, and money supply; and the administration of public trusts.

(3) *In-house core capabilities* in the area of research, development and testing, needed for technical analysis and evaluation and technology base management and maintenance. However, requirements for such services beyond the core capability which has been established and justified by the agency are not considered governmental functions.

b. *Personal services.*

A personal services contract is characterized by the employee-employer relationship it creates between the Government and contractor personnel. Since the Government is normally required to obtain its employees by excepted appointment or under the competitive appointment procedures of the civil service laws, such a relationship violates those laws unless Congress has specifically authorized acquisition of the services by means of a personal services contract.

4. *Coverage:* This Bulletin applies to the following:

a. *Management and professional services* are those procurement actions coded in the

*Product and Service Codes Manual* of the Federal Procurement Data System as R401 through R499. The management controls in this Bulletin apply only to the following R400 procurement actions that are not identified as consulting services on the agency's data collection form (which conforms to the requirements of the FPDS), or Optional Form 279, for input into the FPDS.

**Management and Professional Services**

*FPDS Code and Description*

R406—Policy Review/Development Services  
R407—Program Evaluation Services  
R408—Program Management/Support Services  
R409—Program Review/Development Services  
R498—Other Professional Services  
R499—Other Management Services

b. *Special studies and analyses* are those procurement actions coded in the *Product and Service Codes Manual* of the Federal Procurement Data System as R501 through R599. The management controls in this Bulletin apply only to the following R500 procurement actions that are not identified as consulting services on the agency's data collection form, or Optional Form 279, for input into the FPDS.

**Special Studies and Analyses**

*FPDS Code and Description*

R505—Cost Benefit Analyses  
R506—Data Analyses (Other than scientific)  
R507—Economic Studies and Analyses  
R523—Legislative Studies  
R528—Regulatory Studies  
R531—Socio-economic Studies  
R599—Other Special Studies and Analyses

c. *Management and Support Services* for research and development activities are those services which meet the description of management and professional services (4.a.) and special studies and analyses (4.b.), but are funded with research and development (R&D) funds, and coded as research and development in the FPDS. For further information, see pp. 4 through 14 of the *Product and Service Codes Manual* of the Federal Procurement Data System, April 1980.

5. *Policy:*

a. For each procurement action for services in paragraph 4 of this bulletin, and which is not a consulting service, agencies shall ensure that:

(1) Every requirement is appropriate and fully justified in writing. Such justification will provide a statement of need and will certify that such services do not unnecessarily duplicate any previously performed work or services;

(2) Work statements are specific, complete and specify a fixed period of performance for the service to be provided;

(3) Contracts are competitively awarded to the maximum extent practicable to ensure that costs are reasonable;

(4) Appropriate disclosure is required of, and warning provisions are given to, the contractor to avoid conflict of interest; and

(5) Contracts are properly administered and monitored to ensure that performance is satisfactory.

b. Sole source contracts resulting from unsolicited proposals for management and professional services, and special studies and analyses and management and support services for R&D activities that meet the description of the services listed in paragraph 4 are generally not appropriate. Therefore, when an agency receives an unsolicited proposal for any of these services that are not truly unique and determines it has a need for such services, a synopsis of the requirement shall be published in the *Commerce Business Daily* to determine if there are other qualified contractors interested in submitting a proposal. An RFP shall be issued to qualified contractors.

c. Personal services shall not be obtained by contract for any of the services in paragraph 4 of this Bulletin.

d. The services in paragraph 4 shall not be used to perform Governmental functions, which must be performed by Government employees.

e. The services in paragraph 4 shall not be used solely to circumvent personnel ceilings.

f. The services in paragraph 4 shall not be used, under any circumstances, specifically to aid in influencing or enacting legislation.

g. Contracting officers shall guard against subcontracting arrangements which circumvent the policy in this Bulletin.

h. Written approval of procurement requests for the services in paragraph 4 will be required at a level above the organization sponsoring the activity, up to agency head. In the fourth fiscal quarter, such approval will be required at two levels above the organization sponsoring the activity, up to agency head. Proposed procurement actions over \$100,000 shall be approved at the level of an Assistant Secretary or a designee.

#### 6. Action requirements.

a. Agency heads shall be responsible for ensuring the policy in this Bulletin is implemented.

b. Contracting officers shall ensure that the appropriate FPDS code for the services in paragraph 4 is written in the Determinations and Findings (D&F) document prior to approval of the D&F.

c. Contracting officers shall ensure that the documentation required by this Bulletin (5.a.(1)(2)(4), and 5.h.) is accomplished and included in the official contract file.

d. To implement the new policy in this Bulletin, the Secretary of Defense and the Administrator for General Services are directed to incorporate the provisions in paragraph 5 of this Bulletin into the Defense Acquisition Regulation and the Federal Procurement Regulations, respectively, within ninety (90) days of the date of this Bulletin.

7. *Effective Date.* This Bulletin is effective immediately.

8. *Information Contact.* Inquiries should be directed to the Office of Federal Procurement Policy, Office of Management and Budget, telephone (202) 395-6810.

9. *Sunset Review Date.* This Bulletin will expire on (one year from publication date of final Bulletin).

[FR Doc. 82-628 Filed 1-8-82; 8:45 am]

BILLING CODE 3110-01-M

### Invitation for Public Comment; Proposed Revision to Circular

**AGENCY:** Office of Federal Procurement Policy (OFPP), Office of Management and Budget.

**ACTION:** Request for comments on proposed revision to OMB Circular No. A-120, "Guidelines for the Use of Consulting Services."

**SUMMARY:** The Office of Federal Procurement Policy is requesting public and Government agency review and comment on a proposed revision to OMB Circular No. A-120.

OMB Circular No. A-120, published April 14, 1980, established policy and guidelines to be followed by Executive Branch agencies in determining and controlling the appropriate use of consulting services. Agency management plans for controlling the use of consulting services, as required by the July 2, 1980, memorandum from the Director of OMB, include specific checks and balances to ensure adherence to the provisions of the Circular.

Analysis of implementation of the Circular and the management plans revealed that even tighter controls are needed to ensure that only those consulting services that are necessary, appropriate and justified are acquired.

This proposed revision revises certain sections of OMB Circular No. A-120 and establishes additional policy and guidelines to be followed by Executive Branch agencies in determining and controlling the appropriate acquisition, management and use of consulting services.

As a related action, a proposed OMB Bulletin adopting the management controls in the Circular to similar services is also being published for comment in this issue of the *Federal Register*.

**DATE:** Comments must be received on or before February 10, 1982.

**ADDRESS:** Submit comments to the Office of Federal Procurement Policy, Office of Management and Budget, Room 9013, New Executive Office Building, 726 Jackson Place, NW, Washington, D.C. 20503.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Fred H. Dietrich, Associate Administrator for Systems and

Technology, (202) 395-6810.

Donald E. Sowle,  
Administrator.

Circular No. A-120, Transmittal Memorandum No. 1

To: The Heads of Executive Departments And Establishments

Subject: Guidelines for the use of Consulting Services

Transmitted herewith is an addition to Office of Management and Budget (OMB) Circular No. A-120, dated April 14, 1980.

1. *Purpose.* This transmittal memorandum revises certain sections of OMB Circular No. A-120 and establishes additional policy and guidelines to be followed by Executive Branch agencies in determining and controlling the appropriate acquisition, management and use of consulting services.

2. *Background.* OMB Circular No. A-120 establishes policy and guidelines to be followed by Executive Branch agencies in determining and controlling the appropriate use of consulting services. Agency management plans for controlling the use of consulting services, as required by the July 2, 1980 memorandum from the Director of OMB, include specific checks and balances to ensure adherence to the provisions of OMB Circular No. A-120.

3. *Definitions. a. Governmental functions.* Certain functions are inherently governmental in nature being so intimately related to the public interest as to mandate performance by Federal employees. A "Governmental function" is a function which must be performed in-house due to a special relationship in executing governmental responsibilities. Such governmental functions can fall into several categories:

(1) *Discretionary application of Government authority,* as in investigations, prosecutions and other judicial functions; in management of Government programs requiring value judgments, as in directing the national defense; management and direction of the Armed Services; conduct of foreign relations; selection of program priorities; direction of Federal employees; regulation of the use of space, oceans, navigable rivers and other natural resources; direction of intelligence and counter-intelligence operations; and regulation of industry and commerce, including food and drug.

(2) *Monetary transactions and entitlements,* as in Government benefit programs; tax collection and revenue disbursements by the Government; control of the public treasury, accounts, and money supply; and the administration of public trusts.

(3) *In-house core capabilities* in the area of research, development and testing, needed for technical analysis and evaluation and technology base management and maintenance. However, requirements for such services beyond the core capability which has been established and justified by the agency are not considered governmental functions.

b. *Personal services.* A personal services contract is characterized by the employee-employer relationship it creates between the Government and contractor personnel. Since the Government is normally required to obtain its employees by excepted appointment or under the competitive appointment procedures of the civil services laws, such a relationship violates those laws unless Congress has specifically authorized acquisition of the services by means of a personal services contract.

4. *Policy.* a. Paragraph 6.a. of OMB Circular A-120 is deleted and replaced with the following paragraph:

"6.a. Consulting services shall not be used to perform Governmental functions which must be performed by Government employees."

b. Paragraph 6.b. of OMB Circular A-120 is deleted and replaced with the following paragraph:

"6.b. Consulting services arrangements shall not normally exceed 12 months in duration. Normally, any consulting services arrangement (contract, personnel appointment or advisory committee membership) which exceeds 12 months shall be treated as if it were a new consulting service arrangement and, accordingly, again subject to the review and approval requirements of OMB Circular No. A-120 (paragraph 8). However, if a program requires consulting services for a fixed period in excess of 12 months, it does not need to be subject to yearly review and approval, provided the original request covered the fixed period, contained appropriate justification, and the contract for the services was a multi-year or contained prepriced option periods.

c. The award of sole source contracts to obtain consulting services as a result of unsolicited proposals is not appropriate. Therefore, when an agency receives an unsolicited proposal for consulting services, and determines it has a need for such services, a synopsis of the requirement shall be published in the *Commerce Business Daily* to determine if there are other qualified contractors interested in submitting a proposal. Qualified contractors shall be solicited.

d. A consulting services contract shall not be used to obtain personal services.

e. Contracting officers shall guard against subcontracting arrangements which would circumvent the controls in OMB Circular No. A-120 and this transmittal memorandum.

5. *Action Requirements.* a. Agency heads shall be responsible for ensuring the policy in this transmittal memorandum is implemented.

b. Agencies listed at Attachment A shall update their management control plans for consulting services, as required by the July 2, 1980, memorandum, "Management Control of Consulting Service Contracts and Improvement of Agency Procurement Practices," to include checks and balances to ensure adherence to the additional policy in this transmittal memorandum.

c. The Secretary of Defense and the Administrator for General Services are directed to incorporate Section 4 into the Defense Acquisition Regulation and the

Federal Procurement Regulations, respectively, within ninety (90) days of the date of this memorandum.

6. *Effective Date.* This transmittal memorandum is effective immediately.

7. *Information Contact.* Inquiries should be directed to the Office of Federal Procurement Policy, Office of Management and Budget, telephone (202) 395-6810.

#### Attachment A.—OMB Circular A-120

##### Transmittal Memorandum No. 1

Department of Agriculture  
Department of Commerce  
Department of Defense  
Department of Education  
Department of Energy  
Department of Health and Human Services  
Department of Housing and Urban Development  
Department of the Interior  
Department of Justice  
Department of Labor  
Department of State  
Department of Transportation  
Department of the Treasury  
Environmental Protection Agency  
General Services Administration  
National Aeronautics and Space Administration  
Veterans Administration

[FR Doc. 82-629 Filed 1-8-82; 8:45 am]

BILLING CODE 3110-01-M

## POSTAL SERVICE

### Privacy Act of 1974; Systems of Records; Annual Publication

**AGENCY:** Postal Service.

**ACTION:** Annual report and advance and final notice of records system changes.

**SUMMARY:** The primary purpose of this document is to publish the annual notice under 5 U.S.C. 552a(e)(4) of the systems of records, as defined in the Privacy Act of 1974, Pub. L. 93-579, which are maintained by the Postal Service. The full text of the Postal Service's systems of records last appeared at 45 FR 1558, January 7, 1980 and at 46 FR 1970, January 7, 1981. This document publishes in full the systems that the Postal Service has amended since the January 7, 1981, publication and provides the full systems descriptions of those systems that were not published in the January 7, 1981, issue of the *Federal Register*. It also provides the system numbers and names of those systems that appeared in the January 7, 1981, issue of the *Federal Register* which have not been amended. In addition, in the interest of providing complete, current information to the public in an easily accessible format, this document also provides final notice of several systems of records changes, and provides advance notice of certain other changes. The systems of records

changes described in Parts 1, 2, and 3 of Supplementary Information are incorporated in the Annual Notice of Systems of Records appearing at the end of the document.

**DATE:** Comments on the proposed new routine uses in Part 3 must be received on or before February 12, 1982. Parts 1 and 2 and the editorial changes in Part 3 are effective January 12, 1982.

**ADDRESS:** Comments may be mailed to Records Officer, U.S. Postal Service, 475 L'Enfant Plaza West, S.W., Washington, D.C. 20260, or delivered to Room 8121 at the above address between 8:15 AM and 4:45 PM. Comments received may also be inspected during the above hours in Room 8121.

**FOR FURTHER INFORMATION CONTACT:** Mr. A. Scott Hamel, (202) 245-4142.

**SUPPLEMENTARY INFORMATION:** The Postal Service has determined it is necessary to: (1) Publish final notice of deletion of a system of records, deletion of two previously published routine uses, and of minor technical and editorial changes to certain systems of records, and (2) publish advance notice of proposed addition of routine uses to certain systems of records. Part 1 deletes one system of records and two previously published temporary routine uses and makes minor editorial changes to one system of records. Part 2 makes minor technical and editorial revisions to several systems of records. Part 3 proposes the addition of routine uses to three systems of records. In addition, Part 3 makes minor technical and editorial revisions to the three systems of records. As required by 5 U.S.C. 552a(e)(11), interested persons are invited to submit written views or arguments on the routine uses proposed in Part 3. After the time for public comment has elapsed, final notice will be published on that portion.

Postal Service regulations concerning the privacy of information appear in 39 CFR Part 266. Those Postal Service systems of records which are exempt from certain provisions of the Privacy Act are listed in 39 CFR 266.9(b).

### PART 1—DELETION OF ONE SYSTEM OF RECORDS AND TWO ROUTINE USES AND MINOR EDITORIAL CHANGES

The Postal Service has determined that to accurately reflect the manner in which information is physically maintained in our computer systems, the system of records, USPS 120.030, Personnel Records—Master Minority File Records, is no longer necessary and should be deleted. Therefore, effective immediately, USPS 120.080 is deleted

from the list of Postal Service systems of records. This constitutes the final notice of this deletion. The minority records information, which was part of USPS 120.080, exists within USPS 120.070, Personnel Records—General Personnel Folders (Official Personnel Folders and Records Related Thereto). Accordingly, that system description is proposed to be modified. See the explanation of the proposed modifications to USPS 120.070 in Part 3 of this document.

The Postal Service has determined that temporary routine uses for systems USPS 120.098, Personnel Records—Office of Workers' Compensation Program (Routine Use 7), and USPS 120.099, Personnel Records—Injury Compensation Payment Validation Records (Routine Use 1), which last appeared in 46 FR 1988 and 1989, respectively, are no longer in effect and should be deleted. Therefore, effective immediately, these routine uses are deleted, and editorial changes are made to USPS 120.099 for the purpose of renumbering routine uses 2, 3, 4, 5, and 6, to 1, 2, 3, 4, and 5. This constitutes final notice of these deletions and editorial changes.

## PART 2—EDITORIAL CORRECTIONS AND REVISIONS

The Postal Service has determined that it is necessary to make certain editorial corrections and revisions to various systems of records descriptions. These corrections and revisions do not reflect changes in the operations or functions of the systems. They are only changes to the descriptions themselves for the purpose of more accurately depicting the records maintained. The following constitutes final notice of the necessary changes:

### USPS 030.010

#### SYSTEM NAME:

Equal Employment Opportunity—EEO Discrimination Complaint Investigations, 030.010.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former postal employees, applicants for positions within the USPS and third party complainants.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain names, work locations, dates, social security numbers, and other information as included on affidavits, interviews and investigative forms.

### USPS 050.010

#### SYSTEM NAME:

Finance Records—Employee Travel Records (Accounts Payable), 050.010.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

Travel vouchers and travel advances containing employee name, social security number, Finance Number, basic travel information, and relocation data. Includes records pertaining to employee claims and other accounts payable type records.

#### RETENTION AND DISPOSAL:

Retained six years and three months after payment and destroyed by burning or magnetic tape by scratching and reuse.

### USPS 070.040

#### SYSTEM NAME:

Inquiries and Complaints—Customer Complaint Records, 070.040.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

The complainant's name, address, and nature of the specific complaint, and resolution of same. Includes general correspondence and complaint cards.

#### RETRIEVABILITY:

For correspondence, by chronological sequence within subject category as derived from correspondence and the name of inquirer or complainant. For complaint cards, chronologically by complaint date and pre-printed complaint card serial number.

#### RETENTION AND DISPOSAL:

Correspondence records are retained up to a maximum period of two calendar years. All correspondence is retained during the calendar year received, plus one additional year. Complaint cards are retained for one year. Paper records are destroyed by burning or shredding. Computer records are destroyed by erasing.

#### NOTIFICATION PROCEDURE:

Customers wishing to know whether information about them is maintained in this system of records should address inquiries to the same facility to which they submitted their complaint. Inquiries concerning complaint cards should include the date and card serial number.

### USPS 080.020

#### SYSTEM NAME:

Inspection Requirements—Mail Cover Program, 080.020.

#### RETENTION AND DISPOSAL:

Files and records pertaining to mail covers are retained for eight years,

except Regional Headquarters records which are retained for two years. Records are destroyed by shredding or burning.

#### SYSTEM MANAGER(S) AND ADDRESS:

Chief Inspector, USPS Headquarters.

### USPS 120.151

#### SYSTEM NAME:

Personnel Records—Recruiting, Examining and Appointment Records, 120.151.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

Personal and professional resumes, personal applications, test scores, academic transcripts, letters of recommendation, medical records and registers of eligibles. Medical records are accumulated by personnel offices prior to transmittal to medical facilities. In cases where applicant is not hired because of unsuitable medical determination, a statement of medical findings will exist in this system.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To provide managers, personnel officials and medical officers information in recruiting and recommending appointment of qualified persons.

8. Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR 1613, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

#### RETENTION AND DISPOSAL:

Records are retained for period of usefulness which varies by type of record and ranges from one day to 10 years. Retention periods for individual record types may be found in official USPS records retention schedules. At the end of period of usefulness, records are destroyed with the exception of lists of eligibles and examination cards which are transferred to the National Personnel Records Center, St. Louis, Mo. Certain records of examination are maintained as part of USPS 120.120, Personnel Records—Personnel Research and Test Validation Records. Certain records containing medical information are maintained as part of USPS 120.090.

## USPS 200.030

## SYSTEM NAME:

Non-Mail Monetary Claims—Tort Claims, Records, 200.030

## RETENTION AND DISPOSAL:

Paid claims records are retained for seven years after payment. All other files are retained for five years after closing. All records are destroyed by shredding or burning.

## SYSTEM MANAGER(S) AND ADDRESS:

(1) General Counsel, Law Department, Headquarters; (2) Chief Postal Inspector, Headquarters.

## PART 3—ADDITION OF THREE ROUTINE USES AND EDITORIAL CHANGES

This part proposes the addition of routine uses to three systems of records. In addition, minor editorial and technical changes are being made to the three systems of records.

Certain Postal Service policy changes require mailers, who have been permitted to use 2-line addresses in the past, to obtain and use complete 3-line addresses. These policy changes necessitate the publication of a proposed routine use to cover disclosure of rural route customer addresses to persons seeking address correction information pursuant to existing regulations, Sections 159.132 and 945.12 of the Domestic Mail Manual. It is proposed, therefore, to add to system USPS 010.080, Collection and Delivery Records—Rural Carrier Routes, routine use as follows: "7. Rural route customer addresses may be disclosed to persons or organizations authorized by a postal regulation to receive address correction information." In addition, editorial changes are made as follows: (1) Existing Routine Use 7 is renumbered "8," and the references *United States Civil Service* and *5 CFR 713* are substituted with: "Equal Employment Opportunity" and "29 CFR 1613," respectively, in keeping with recent organizational changes pursuant to the Civil Service Reform Act, and (2) Routine Use 8 is renumbered "9."

Three new routine uses are proposed for USPS 120.070, Personnel Records—General Personnel Folders (Official Personnel Folders and Records Related Thereto). A long-standing routine use previously included in system description USPS 120.080, the system of records which is deleted by Part 1 of this notice, concerns the disclosure of information which is currently being maintained within system USPS 120.070. Therefore, Routine Use 14 is added to simply reflect the transfer of reference

to the Postal Service's continuing requirements to fulfill the Equal Employment Opportunity Commission's needs for affirmative action data on the Postal Service work force, as follows: "14. Disclosure of minority designation codes may be made to the Equal Employment Opportunity Commission for the oversight and enforcement of Federal EEO regulations." Based on the Postal Service's determination that a long-standing practice of disclosure has not previously been published as a routine use for public comment, Routine Use 15 is added, as follows: "15. Disclosure of records of discipline relating to individual employees may be made to State Employment Security Agencies at the initial determination level of the unemployment compensation claim process." Also, in order to provide more specific detail regarding disclosures made under Routine Use 12 of USPS 120.070, Routine Use 16 is added, as follows: "16. Disclosure may be made to the Merit Systems Protection Board from the record of an individual to the extent that the information is relevant and necessary to a decision on appeal over which the Board has jurisdiction." In addition, editorial changes are made as follows: (1) Existing Routine Uses 14, 15, 16, 17, and 18, are renumbered "17," "18," "19," "20," and "21." (2) System Location is changed to read: "Personnel Offices of all USPS facilities; St. Louis Personnel Records Centers; E&LR Information Centers; and National Test Administration Center." (3) Authority for Maintenance of the System is changed to read: "39 U.S.C. 1001, 1005; 42 U.S.C. 2000e-16; Executive Orders 11478 and 11590." (4) Under the Notification Procedure section, (Pre-1970) is changed to "(prior to July 1971)" to be consistent with implementation of the Postal Reorganization Act.

In furtherance of regulations implementing the Occupational Safety and Health Act, two new routine uses to provide for the disclosure of employee medical records (relevant to employee exposure to hazardous substances) are proposed for USPS 120.090, Personnel Records—Medical Records, as follows: "10. May be disclosed to the Occupational Safety and Health Administration, Department of Labor, when needed by that organization to perform properly its duties in accordance with 29 CFR Part 19." "11. May be disclosed to the National Institute of Occupational Safety and Health when needed by that organization to perform properly its duties in accordance with 29 CFR Part 19." In addition, minor editorial changes are made to existing Routine Use 7, only

for the purpose of clarifying its intent, as follows: the word "a" is deleted and the words "an employee's" are inserted before and the word "treating" is inserted after the word "private," and the words "or other" are deleted and substituted with the words "and to," reading as follows: "7. Records in this system may be disclosed to an employee's private treating physician, and to medical personnel retained by the Postal Service to provide medical services in connection with an employee's health or physical condition which is related to his or her employment." Other editorial changes to USPS 120.090 are made as follows: (1) Categories of Individuals Covered by the System is changed to read: "USPS employees, present and former, and individuals who have been offered employment but failed the medical examination before being placed on the rolls, and employees of other agencies that have entered into an agreement with the Postal Service to perform medical services for the agencies' employees." (2) Categories of Records in the System is changed to read: "Name, address, and pertinent medical information, i.e., history, findings, diagnosis and treatment, and medical findings related to employees' exposure to toxic substances."

W. Allen Sanders.

*Associate General Counsel, Office of General Law and Administration.*

## Annual Notice of Systems of Records

The following points are relevant to the annual notice of Postal Service system of records provided in this document.

a. Most systems containing contract records, as well as other legal records relating to those contracts, are considered business records by the Postal Service, rather than systems of personal records, as that term is defined in the Privacy Act. Accordingly, these systems are not listed.

b. All Postal Service records described in this list are subject to:

1. An order of a court of competent jurisdiction.

2. Review by Congress or one of its committees or subcommittees upon request.

3. The "routine use" portion of each system notice contains, as the first item, the system "purpose." The "purpose" is included to provide clarity and promote understanding of the system by the layman. It may be defined as that activity performed by those officers and employees of the Postal Service who have a need for component records of the system in the performance of their

duties. Disclosure accounting is not maintained by the Postal Service for any activity listed as a "purpose."

A complete description of the following systems of records was published in the Federal Register of January 7, 1981 (46 FR 1970). These systems have not been revised since that publication:

USPS 010.010, Collection and Delivery Records—Address Change and Mail Forwarding Records.

USPS 010.020, Collection and Delivery Records—Boxholder Records.

USPS 010.030, Collection and Delivery Records—Carrier Drive-Out Agreements.

USPS 010.040, Collection and Delivery Records—City Carrier Route Records.

USPS 010.050, Collection and Delivery Records—Delivery of Mail Through Agents.

USPS 010.070, Collection and Delivery Records—Mailbox Irregularities.

USPS 0220.010, Communications (Public Relations)—Biographical Summaries of Management Personnel for Press Release.

USPS 030.020, Equal Employment Opportunity—Equal Employment Opportunity Staff Selection Records.

USPS 040.010, Customer Programs—Memo to Mailers Address File.

USPS 050.020, Finance Records—Payroll System.

USPS 060.010, Fraud and False Representation Records—Consumer Protection Case Records.

USPS 060.020, Fraud and False Representation Records—Prohibitory Order.

USPS 070.020, Inquiries and Complaints—Government Officials' Inquiry System.

USPS 090.020, Non-Mail Services—Passport Application Records.

USPS 090.030, Non-Mail Service—U.S. Savings Bonds Application Records.

USPS 100.010, Office Administration—Carpool Coordination/Parking Records System.

USPS 100.020, Office Administration—Customer Services Communicator Letter.

USPS 110.010, Property Management Records—Accountable Property Records.

USPS 120.035, Personnel Records—Employee Accident Records.

USPS 120.040, Personnel Records—Employee Job Bidding Records.

USPS 120.110, Personnel Records—Preemployment Investigation Records.

USPS 120.120, Personnel Records—Personnel Research and Test Validation Records.

USPS 120.121, Personnel Records—Applicant Race, Sex, National Origin and Disability Status Records.

USPS 120.130, Personnel Records—Postmaster Selection Program Records.

USPS 120.140, Personnel Records—Program for Alcoholic Recovery (PAR).

USPS 120.152, Personnel Records—Career Development and Training Records.

USPS 120.153, Personnel Records—Individual Performance Evaluation/Measurement.

USPS 120.180, Personnel Records—Skills Bank (Human Resources Records).

USPS 120.190, Personnel Records—Supervisors Personnel Records.

USPS 120.210, Personnel Records—Vehicle Maintenance Personnel and Operations Records.

USPS 120.230, Personnel Records—Adverse Action Appeals (Administrative Litigation Case Files).

USPS 120.240, Personnel Records—Garnishment Case Files.

USPS 130.010, Philately—Ben Franklin Stamp Club Sponsors and Direct Mail Responders List.

USPS 130.040, Philately—Philatelic Product Sales and Distribution.

USPS 140.020, Postage—Postage Meter Records.

USPS 150.010, Records and Information Management Records—Information Disclosure Accounting Records (Freedom of Information Act).

USPS 150.015, Records and Information Management Records—Freedom of Information Appeals System.

USPS 150.020, Records and Information Management Records—Information Disclosure Accounting Records (Privacy Act).

USPS 160.010, Special Mail Service—Insured and Registered Domestic Mail Inquiry and Application for Indemnity Records.

USPS 160.020, Special Mail Service—Insured and Registered International Mail Inquiry and Application for Indemnity Records.

USPS 160.030, Special Mail Services—Express Mail Service Insurance Claims for Loss, Delay and Damage.

USPS 190.030, Litigation Records—Labor Law Topic Files.

USPS 200.010, Non-Mail Monetary Claims—Relocation Assistance Claims.

USPS 200.020, Non-Mail Monetary Claims—Monetary Claims Involving Present or Former Employees (case files).

USPS 210.020, Contractor Records—Driver Screening System Assignment Records.

The following are complete descriptions of those systems that have changed since the January 7, 1981 Federal Register publication and of those systems which last appeared in the January 7, 1980 Federal Register.

#### USPS 010.080

##### SYSTEM NAME:

Collection and Delivery Records—Rural Carrier Routes, 010.080.

##### SYSTEM LOCATION:

Post Offices having rural carriers operations; Delivery Services Department Sectional Centers; Regions; Districts; Postal Data Centers.

##### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Postal customers receiving rural mail delivery services, and rural carriers, substitute carriers and flexible employees.

##### CATEGORIES OF RECORDS IN THE SYSTEM:

Records contained in this system are: Employee workload, work schedule and performance analysis. Inspection reports of employees, workload and workload adjustments, route travel description, employee and examiners' comments on adjustments and inspection. Employee name, route number, age, length of service, physical condition, quality of service and vehicle adequacy. Customer addresses and names of persons at address location (some rural routes only).

##### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 403, 404.

##### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To assist management in evaluating rural mail delivery and collection operations and administering these functions efficiently and provide basis for payment of salary and vehicle maintenance allowance carriers.

##### Use—

1. Provide Bureau of the Census, Department of Commerce address information as requested to assist them in their statutory requirement of census taking.

2. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency whether Federal, State, or local, 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.

3. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-10 at any stage of the legislative

coordination and clearance process as set forth in that Circular.

4. 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.

5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

6. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

7. Rural route customer addresses may be disclosed to persons or organizations authorized by a postal regulation to receive address correction information. (Advance notice)

8. Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR Part 1613 and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

9. Inactive records may be transferred to a GSA Federal Records Center for storage prior to destruction.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Preprinted forms or lists in ordinary file equipment or on computer tape and printouts.

**RETRIEVABILITY:**

Records are maintained by name and address of customer, and by route number, employee name or postal facility name.

**SAFEGUARDS:**

Access to and use of these records are limited to those persons whose official duties require such access.

**RETENTION AND DISPOSAL:**

a. Records in card or list form are maintained as long as the customer resides on the route; they are destroyed by shredding one year after the customer moves. b. Route travel description records, and establishment

and discontinuance orders are retained until route is discontinued and then transferred to the Federal Records Center within two years after discontinuance date. c. Trip reports are retained for three years and then disposed of by shredding or burning. d. Route inspection reports and mail count records (mail counts made annually or more frequently) are retained for two years. Where mail counts are made less than annually records are retained until the next mail counts. Disposal of records is by shredding or burning. e. Other carrier records in system are retained for a period of up to one year depending upon the criticality of the information and then destroyed by shredding or burning.

**SYSTEM MANAGER(S) AND ADDRESS:**

APMG, Delivery Services Department, Headquarters.

**NOTIFICATION PROCEDURE:**

Customers wishing to know whether information about them is maintained in this system of records should address inquiries to their local postmaster. Inquiries should contain full name and address. Employee inquiries should state employee name and social security number, route number, specify the type of information being requested, and forward to post office where employed.

**RECORD ACCESS PROCEDURES:**

See NOTIFICATION above.

**CONTESTING RECORD PROCEDURES:**

See NOTIFICATION above.

**RECORD SOURCE CATEGORIES:**

The customer to whom the record pertains and from employees, carrier supervisors and route inspectors.

**USPS 030.010**

**SYSTEM NAME:**

Equal Employment Opportunity—EEO Discrimination Complaint Investigations, 030.101

**SYSTEM LOCATION:**

Office of Equal Employment Compliance, Employee Relations Headquarters, EEO Office at Regions, Post Offices; Sectional Centers, Bulk Mail Centers, Automatic Data Processing Centers and Postal Data Centers.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Current and former postal employees, applicants for positions within the USPS and third party complainants.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records contain names, work locations, dates, social security numbers, and other information as included on affidavits, interviews and investigative forms.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Public Law 92-261, Equal Employment Act of 1972; Executive Order 11478.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Purpose—Used by EEO officers and the Equal Employment Opportunity Commission: to adjudicate complaints of alleged discrimination and to evaluate the effectiveness of the EEO Program.

Use—

1. Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR 1613, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

2. Disclosed to courts and counsel in the event of litigation.

3. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

4. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

5. 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.

6. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

7. Inactive records may be transferred to a GSA Federal Records Center for storage prior to destruction.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are maintained in paper case files. Status information required by the Equal Employment Opportunity Commission is maintained on ADP records.

**RETRIEVABILITY:**

Files are accessed by case number, the custodian must also be furnished with the name of the complainant and the place where the complaint was filed. Case number consists of the last two digits of the year with case in chronological sequence.

**SAFEGUARDS:**

Case files are maintained in file cabinets within locked rooms. ADP records are protected with password security.

**RETENTION AND DISPOSAL:**

a. Precomplaint records—Counselor's notes are destroyed three months after a formal report is submitted to the EEO officer or three months following the final adjustment when made at that level. b. Formal complaint records—All closed cases are removed from the system quarterly. Each closed case is retained as follows: Official file, 4 years; any copies, 1 year; background documents not in case file, 3 years. c. ADP records—Closed case information is removed quarterly and stripped of personal identifiers. It is then moved to an inactive file (Not a system or records) for future comparative analyses.

**SYSTEM MANAGER(S) AND ADDRESS:**

APMG, Employee Relations Department, Headquarters.

**NOTIFICATION PROCEDURE:**

Individuals interested in finding out if there is information in this records system pertaining to them should contact EEO officers at the Region or Headquarters level, giving complainant name, postal location, region, file number and year.

**RECORD ACCESS PROCEDURE:**

See Notification procedure above.

**CONTESTING RECORD PROCEDURES:**

See Notification procedure above.

**RECORD SOURCE CATEGORIES:**

Information is received from the complainant, respondent and from investigations and interviews.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Reference 39 CFR 266.9 for details.

**USPS 030.030**

**SYSTEM NAME:**

Equal Employment Opportunity—EEO Administrative Litigation Case Files, 030.030

**SYSTEM LOCATION:**

Law Department, Regional and National Headquarters.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Employees and applicants for employment involved in EEO Litigation.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

(a) Formal pleadings and memoranda of law; (b) Other relevant documents; (c) Miscellaneous notes and cases analyses prepared by Postal Service attorneys and other personnel; (d) Correspondence and telephone records.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

39 U.S.C. 401, 409(d)

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Purpose—This information is used to provide legal advice and representation to the Postal Service.

Use—

1. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

2. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court of administrative body or other tribunal.

3. 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.

4. Transferred to Department of Justice, when needed by that department to perform properly its duties as legal representative of the Postal Service.

5. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, 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.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

Paper documents and computer tape/disk.

**RETRIEVABILITY:**

By name of litigant(s).

**SAFEGUARDS:**

Folders containing paper documents are kept in locked filing cabinets under the general scrutiny of Postal Service attorneys. Computer terminals and tape/disk files are located in a secured area.

**RETENTION AND DISPOSAL:**

Selected records are maintained on an active basis until subject matter has no information value and on an inactive basis for an additional three years. All other records are maintained for five years. Paper records are shredded and computer tape/disk records are erased at the end of retention period.

**SYSTEM MANAGER(S) AND ADDRESS:**

General Counsel, Law Department, Headquarters.

**NOTIFICATION PROCEDURE:**

Persons interested in reviewing records within specific case files should submit their name, and case number, if known, to the General Counsel, Law Department, National Headquarters.

**RECORD ACCESS PROCEDURES:**

See "System Manager" above.

**CONTESTING RECORD PROCEDURES:**

See "System Manager" above.

**RECORD SOURCE CATEGORIES:**

(a) Individuals involved in EEO Litigation; (b) Counsel(s) and other representative(s) for parties in action other than Postal Service; (c) Other individuals involved in the development of EEO Litigation. Source documents include administrative complaint/action file, and other records relevant to the case.

**USPS 040.020**

**SYSTEM NAME:**

Customer Programs—Sexually Oriented Advertisements. 040.020

**SYSTEM LOCATION:**

Rates and Classification Department, Headquarters; Postal Data Center, Headquarters; Postal Data Center, New York; Postal Inspector-in-Charge NYC and Los Angeles, CA.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Any adult who elects to have his name and address and that of his children under 19 years of age, placed on the list of persons who do not wish to receive sexually oriented advertisements through the mail.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records contain the name and address of head of household or other adult, the names and birth dates of children under 19 years of age.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

39 U.S.C. Section 3010.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Purpose—To maintain a list, available to mailers of sexually oriented advertisements, of persons desiring not to receive such matter through the mails.

**Use—**

1. Upon payment of prescribed fee, provide mailers of sexually oriented advertisements a list of individuals who do not wish to receive SOA.

2. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, 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.

3. 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.

4. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Information is stored on magnetic tape, computer printouts, microfiche cards and preprinted forms.

**RETRIEVABILITY:**

Information is stored in ZIP Code sequence and in application number sequence.

**SAFEGUARDS:**

Printouts and microfiche are retained by the Office of Mail Classification and Postal Inspection Service; hard copy is

maintained in file cabinets at Headquarters with limited access.

**RETENTION AND DISPOSAL:**

a. Names are retained on the computerized list for a maximum of five years. b. Forms, printouts and microfiche are retained for five years. c. Records are destroyed by shredding; computer records by erasing.

**SYSTEM MANAGER(S) AND ADDRESS:**

APMG. Rates and Classification Department, Headquarters.

**NOTIFICATION PROCEDURE:**

Customers will furnish the system manager their name, address, application number and the date of filing.

**RECORD ACCESS PROCEDURE:**

See "NOTIFICATION" above.

**CONTESTING RECORD PROCEDURES:**

See "NOTIFICATION" above.

**RECORD SOURCE CATEGORIES:**

Customers filing to have their names placed on lists so as not to receive SOA.

**USPS 050.005****SYSTEM NAME:**

Finance Records-Accounts Receivable File Maintenance, 050.005.

**SYSTEM LOCATION:**

Postal Data Centers.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Present and former employees, contractors, vendors and other individuals indebted to the Postal Service.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Invoice number, location name, Social Security Number, employee name, designation code.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

39 U.S.C. 401.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Purpose—To monitor and record collections made by the USPS.

**Use—**

1. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, 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. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

3. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

4. 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.

5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

6. Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR 1613 and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

7. Records in this system are subject to review by an independent certified public accountant during an official audit of Postal Service finances.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Records are maintained or printed forms, punched cards and magnetic tapes.

**RETRIEVABILITY:**

Records are normally retrieved by invoice number may be retrieved, when necessary, by name of employee, contractor, vendor, or other indebted individual.

**SAFEGUARDS:**

Authorization is limited to personnel of the General Accounting Section. Computerized records are subject to the security of the computer room.

**RETENTION AND DISPOSAL:**

All information is retained for four years after claim is paid and then destroyed by burning or scratched.

**SYSTEM MANAGER(S) AND ADDRESS:**

APMG, Finance Department, Headquarters.

**NOTIFICATION PROCEDURE:**

Individuals requesting information from this system of records will apply to the pertinent postal facility and present the debtor's name and Social Security Number.

**RECORD ACCESS PROCEDURES:**

See "NOTIFICATION" above.

**CONTESTING RECORD PROCEDURES:**

See "NOTIFICATION" above.

**RECORD SOURCE CATEGORIES:**

Information is passed to this system from the Payroll Section, General Accounting Section, Claims Section, and Postmasters and Regional Offices.

**USPS 050.010****SYSTEM NAME:**

Finance Records—Employee Travel Records (Accounts Payable), 050.010.

**SYSTEM LOCATION:**

Postal Data Centers, Postal Service Personnel Offices.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

USPS Employees on official travel.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Travel vouchers and travel advances containing employee name, social security number, Finance Number, basic travel information, and relocation data. Includes records pertaining to employee claims and other accounts payable type records.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

39 U.S.C. 1001, 2008.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Purpose—Reimburse Employees for official travel.

Use—

1. To refer, where there is an indication of a violation or potential violation of law, whether civil, agency, whether Federal, State, or local, 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. May be disclosed to the Office of Management and Budget in connection

with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

3. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

4. 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.

5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court of administrative body.

6. Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR 1613, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

7. Records in this system are subject to review by an independent Certified Public Accountant during an official audit of Postal Service finances.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.****STORAGE:**

Information is stored on pre-printed forms and magnetic tape.

**RETRIEVABILITY:**

Information is indexed by social security number.

**SAFEGUARDS:**

Access is subject to computer center access control.

**RETENTION AND DISPOSAL:**

Retained six years and three months after payment and destroyed by burning or magnetic tape by scratching and reuse.

**SYSTEM MANAGER(S) AND ADDRESS:**

APMG, Finance Department, Headquarters.

**NOTIFICATION PROCEDURE:**

Requests for information should be presented to Employee's Personnel

Officer, furnishing name and social security number.

**RECORD ACCESS PROCEDURES:**

See NOTIFICATION above.

**CONTESTING RECORD PROCEDURES:**

See NOTIFICATION above.

**RECORD SOURCE CATEGORIES:**

Information is received from the employee filing a voucher.

**USPS 050.040****SYSTEM NAME:**

Finance Records—Uniform Allowance Program, 050.040.

**SYSTEM LOCATION:**

Postal facilities employing personnel entitled to uniform allowances and the Postal Data Center, St. Louis, MO 63180.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

USPS Employees entitled to uniform allowances.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Information maintained includes name, social security number, designation code, account balance and pay location.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

39 U.S.C. 1206.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Purpose—To fund the procurement of uniforms.

Use—

1. Certain information may be furnished to a duly licensed uniform vendor from whom individual employees have made purchases for the purpose of accounting for payments.

2. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, 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.

3. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

4. 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.

5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

6. Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR 1613, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

7. Inactive records may be transferred to a GSA Federal Records Center prior to destruction.

8. Records in this system are subject to review by an independent certified public accounting during an official audit of Postal Services finances.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Information is maintained on preprinted forms, microfilm and magnetic tape.

**RETRIEVABILITY:**

Systems of records is indexed by social security number.

**SAFEGUARDS:**

Forms are kept in file cabinets and magnetic tape and microfilm is subject to Computer Center access control.

**RETENTION AND DISPOSAL:**

a. The Uniform Allowance Payment Record Card is destroyed by shredding or burning six months after payment. b. Pay listing information is retained for twelve years and then destroyed by shredding or burning.

**SYSTEM MANAGER(S) AND ADDRESS:**

APMG, Finance Department, Headquarters.

**NOTIFICATION PROCEDURE:**

Correspond with the head of the facility where employed, furnishing name and social security number.

**RECORD ACCESS PROCEDURES:**

See "NOTIFICATION" above.

**CONTESTING RECORD PROCEDURES:**

See "NOTIFICATION" above.

**RECORD SOURCE CATEGORIES:**

Payroll system and Postmasters have input to this system of records.

**USPS 070.010**

**SYSTEM NAME:**

Inquiries and Complaints—Correspondence Files of the Postmaster General, 070.010

**SYSTEM LOCATION:**

Office of the Postmaster General, USPS Headquarters.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

USPS employees and Postal Service customers who have corresponded with the Office of the Postmaster General.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

General postal information.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

39 USC 401.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Purpose—To maintain reference to letters from persons communicating with the Postmaster General.

Use—

1. Periodically transferred to custody of National Archives and Records Service (NARS) for keeping as historical documentation.

2. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

3. 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.

4. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

5. Inactive records may be transferred to a GSA Federal Records Center prior to destruction.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

In original typed, printed, or handwritten form.

**RETRIEVABILITY:**

Records are filed by individual's name, chronologically by date and by subject.

**SAFEGUARDS:**

Records are maintained in locked filing cabinets under scrutiny of PMG's secretary and in secured locked storage room with limited access.

**RETENTION AND DISPOSAL:**

Records determined to have historical value are maintained permanently. Other records are maintained for two years and destroyed by burning.

**SYSTEM MANAGER(S) AND ADDRESS:**

Postmaster General, Headquarters.

**NOTIFICATION PROCEDURE:**

Inquiries should be addressed to the SYSTEM MANAGER above and should contain full name, date of letter, and subject.

**RECORD ACCESS PROCEDURES:**

See SYSTEM MANAGER above.

**CONTESTING RECORD PROCEDURES:**

See SYSTEM MANAGER above.

**RECORD SOURCE CATEGORIES:**

Persons communicating with the Postmaster General.

**USPS 070.040**

**SYSTEM NAME:**

Inquiries and Complaints—Customer complaint records, 070.040.

**SYSTEM LOCATION:**

Consumer advocate. USPS, Regional and National Headquarters, District Officers, Post Offices.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

USPS customers who have initiated complaints against the USPS.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The complainant's name, address, and nature of the specific complaint, and resolution of same. Includes general correspondence and complaint cards.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

39 U.S.C. 403, 404

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Purpose—To process USPS customer complaints regarding mail services.

Use—

1. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal,

or regulatory in nature, to the appropriate agency, whether Federal, State, or local, 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. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

3. 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.

4. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are stored in original typed, printed, handwritten or computer printed form and on magnetic tape.

**RETRIEVABILITY:**

For correspondence, by chronological sequence within subject category as derived from correspondence and the name of inquirer or complainant. For complaint cards, chronologically by complaint date and pre-printed complaint card serial number.

**SAFEGUARDS:**

Paper records are maintained in closed filing cabinets. Computer records are subject to the security of the computer room.

**RETENTION AND DISPOSAL:**

Correspondence records are retained up to a maximum period of two calendar years. All correspondence is retained during the calendar year received, plus one additional year. Complaint cards are retained for one year. Paper records are destroyed by burning or shredding. Computer records are destroyed by erasing.

**SYSTEM MANAGER(S) AND ADDRESS:**

APMG, Customer Services Department, Headquarters.

**NOTIFICATION PROCEDURE:**

Customers wishing to know whether information about them is maintained in this system of records should address inquiries to the same facility to which

they submitted their complaint. Inquiries concerning complaint cards should include the date and card serial number.

**RECORD ACCESS PROCEDURES:**

See Notification above.

**CONTESTING RECORD PROCEDURES:**

See Notification above.

**RECORD SOURCE CATEGORIES:**

USPS customers.

**USPS 080.010**

**SYSTEM NAME:**

Inspection Requirements Investigative File System 080.010.

**SYSTEM LOCATION:**

Chief Postal Inspector, Headquarters; Inspection Service Regional Headquarters; Division Headquarters.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Persons related to investigations, including subjects of investigations, complainants, informants, witnesses, etc.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Reports of investigations conducted in criminal, civil, and personnel suitability background matters, and information in various forms received from individuals, other law enforcement agencies and from the public, including information compiled for the purpose of identifying criminal offenders and reports identifiable to individuals. Personal information in this system may include fingerprints, handwriting samples, reports of confidential informants, physical identifying data, voiceprints, polygraph tests, photographs, and individual personnel and payroll information.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

39 U.S.C. 404

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Purpose—To provide information related to investigation of criminal matters: employee and contractor background investigations or other inspection service activities. Use—A record maintained in this system of records may be disseminated as a routine use of such records as follows:

1. In any case in which there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, the record in question may be disseminated to the appropriate Federal, State, local, or foreign agency charged with the

responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law;

2. In the course of investigating the potential or actual violation of any law, whether civil, criminal, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a record may be disseminated to a Federal, State, local or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual or organization possesses information relating to the investigation, trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant.

3. A record relating to a case of matter may be disseminated to a Federal, State, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing;

4. A record relating to a case or matter may be disseminated in an appropriate Federal, State, local or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice;

5. A record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings;

6. A record relating to a case or matter that has been referred by an agency for investigation, prosecution, or enforcement, or that involves a case or matter within the jurisdiction of an agency, may be disseminated to such agency to notify the agency of the status of the case or matter or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case or matter;

7. A record relating to a person held in custody pending or during arraignment, trial, sentence, or extradition proceedings, or after conviction may be disseminated to a Federal, State, local or foreign prison, probation, parole, or pardon authority, or to any other agency or individual concerned with the maintenance, transportation or release of such a person.

8. A record relating to a case or matter may be disseminated to a foreign county pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement;

9. A record may be disseminated to a Federal, State, local, foreign or international law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency;

10. A record may be disseminated 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 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 relates to the requesting agency's decision on the matter.

11. A record from this system may be disclosed to the public, news media, trade associations, or organized groups to provide information of interest to the public concerning the activities and the accomplishment of the Postal Service or its employees;

12. A record may be disseminated to a foreign country, through the United States Department of State or directly to the representative of such country, to the extent necessary to assist such country in apprehending and/or returning a fugitive to a jurisdiction which seeks his return.

13. 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.

14. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

15. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

16. Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR 1613 and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

17. Inactive records may be transferred to a GSA Federal Records Center prior to destruction.

18. To provide members of the American Insurance Association Index System with certain information relating to accidents and injuries.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

Information is collected on handwritten documents and certain investigative material is automated.

**RETRIEVABILITY:**

Information is located by the name of the individual.

**SAFEGUARDS:**

Investigative records are maintained in locked file cabinets, safes, or secured areas under the scrutiny of Inspection Service personnel who have been subjected to security clearance procedures. Access is further restricted by computer passwords.

**RETENTION AND DISPOSAL:**

1. Case records are maintained for 1 to 15 years depending upon type. Exceptions may be granted in specific instances for longer retention. Paper case records are destroyed by burning, pulping or shredding. Computer tape/disk records are erased or destroyed. 2. Duplicate copies of investigative memoranda maintained by postal officials other than the Inspection Service are retained in accordance with official but not Inspection Service disposition schedules.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief Postal Inspector, Headquarters.

**NOTIFICATION PROCEDURE:**

Persons wishing to know whether information about them is contained in this system of records or if they were the subject of an investigation should furnish the SYSTEM MANAGER sufficient identifying information to distinguish them from other individuals of like name; identifying data will include name, address, type investigation, dates, places and the individuals involvement.

**RECORD ACCESS PROCEDURES:**

See NOTIFICATION above.

**CONTESTING RECORD PROCEDURES:**

See NOTIFICATION above.

**RECORD SOURCE CATEGORIES:**

Personal interviews, written inquiries, and other records concerning persons involved with an investigation, whether subjects, applicants, witnesses, references, or custodians of record information.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Reference 39 CFR 266.9 for details.

**USPS 080.020**

**SYSTEM NAME:**

Inspection Requirements—Mail Cover Program, 080.020.

**SYSTEM LOCATION:**

USPS Inspection Service National and Regional Headquarters; Divisional Headquarters.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals on whom a mail cover has been duly authorized to obtain information in the interest of (1) protecting the national security (2) locating a fugitive and (3) obtaining evidence of the commission or attempted commission of a crime which is punishable by imprisonment for a term exceeding one year.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Names and addresses of individuals, inter-office memorandums, and correspondence with other agencies.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

39 U.S.C. 401,404.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Purpose—To investigate the commission on or attempted commission of acts constituting a crime that is punishable by law.

**Use—**

1. Information from this system of records may be disclosed to an appropriate law enforcement agency, whether Federal, State or local, charged by law with the responsibility for investigating, prosecuting or otherwise acting with respect to protecting the national security, locating a fugitive, or obtaining evidence of commission or attempted commission of a crime.

2. A record relating to a case or matter may be disseminated in an appropriate Federal, State, local, or foreign court on grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice.

3. A record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings.

4. 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.

5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

6. Inactive records may be transferred to a GSA Federal Records Center prior to destruction.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Original typed documents and/or duplicate copies.

**RETRIEVABILITY:**

Subject's name filed alphabetically by fiscal year.

**SAFEGUARDS:**

Mail cover data is stored in locked cabinets or in a safe. Classified mail cover material and any mail cover data which involves national security is stored in a safe or in metal file cabinets equipped with either steel lockbar hasp and staple, or locking device and an approved three or more combination dial-type padlock from which the manufacturer's identification numbers have been obliterated.

**RETENTION AND DISPOSAL:**

Files and records pertaining to mail covers are retained for eight years, except Regional Headquarters records which are retained for two years. Records are destroyed by shredding or burning.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief Inspector, USPS Headquarters.

**NOTIFICATION PROCEDURE:**

Persons wishing to know whether information about them is maintained in this system of records should address inquiries to the above SYSTEM MANAGER. inquiries should contain full name and current address, together with previous addresses for past eight years when applicable.

**RECORD ACCESS PROCEDURE:**

See System Manager above.

**CONTESTING RECORD PROCEDURES:**

See System Manager above.

**RECORD SOURCE CATEGORIES:**

Correspondence from requesting authority and record of action taken upon that request.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Reference 39 CFR 266.9 for details.

**USPS 080.030**

**SYSTEM NAME:**

Inspection Requirements—Vehicular Violations Record System, 080.030.

**SYSTEM LOCATION:**

USPS National Headquarters (Procurement and Supply Department, Washington, DC 20260; Research and Development Laboratories, Rockville, MD 20852). Inspection Service, Special Investigations Division, Washington, DC 20260 and Rockville, MD 20852; Division Headquarters at Washington, DC 20013, and those postal field facilities where security officers have the authority to issue violation notices.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Persons who have been issued courtesy violation notices or violation notices by Security Police Officers.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Individual violator's name, State operator permit, State operator permit number, violation cited, date of citation, citation number issued, State automobile license tag number, dates of court appearances.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

40 U.S.C. 318, annually made applicable to the Postal Service by general provisions of the Treasury, Postal Service, and General Government Appropriation Act.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Purpose—To provide USPS management with information necessary for appropriate administrative remedial action. Use—

1. To provide information to local, State, and Federal enforcement, prosecutive and judicial officials.
2. 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.
3. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.
4. Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission, upon his request when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR 1613 and

the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

In original, typed, printed or handwritten form.

**RETRIEVABILITY:**

Records filed by name or violator in alphabetical order and by automobile license tag number.

**SAFEGUARDS:**

Records maintained in limited access Security Force Control Centers manned 24 hours and in National Headquarters, in locked filing cabinets in Procurement and Supply Department and Planning and New Development Department under general scrutinizing of authorized personnel.

**RETENTION AND DISPOSAL:**

Records are maintained for two years and then destroyed. Some records may be retained longer when required for law enforcement investigations or court proceeding.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief Postal Inspector, USPS Headquarters.

**NOTIFICATION PROCEDURE:**

Individuals wishing to know whether information about them is maintained in this system of records should furnish name and residence address as follows:

- a. For National Headquarters: Inspector in Charge, Special Investigations Division, 475 L'Enfant Plaza West, SW, Washington, DC 20260.
- b. For the Field: Inspector in Charge, USPS with appropriate field division title and address as listed above under "System Location."

**RECORD ACCESS PROCEDURES:**

See NOTIFICATION above.

**CONTESTING RECORD PROCEDURES:**

See NOTIFICATION above.

**RECORD SOURCE CATEGORIES:**

Individual violators, Security Police Officers, personnel observation, state motor vehicle registration bureau, USPS Personnel Department, supervisory personnel of tenant firms, USPS Parking Control Officer, prosecutive and judicial officials; motor vehicle operators' permits, violator's personal

identification cards, personnel locator listing and parking applications.

**USPS 100.050**

**SYSTEM NAME:**

Office Administration—Localized Employee Administration Records, 100.050

**SYSTEM LOCATION:**

Western Region Headquarters and other field facilities as designated by the facility head.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Facility employees.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Employee name, various information associated with work location, home address, emergency contact point, and other information as locally required.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

39 U.S.C. 1001.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Purposes—Provides readily available information on employees for various routine administrative purposes such as work location identification, emergency locating and home mailings. Use—

1. To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit to the extent that the information is relevant and necessary.

2. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, 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.

3. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

4. 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.

5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the

Postal Service is a party before a court or administrative body.

6. Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR 1613, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper records, computer disc.

**RETRIEVABILITY:**

Employee name, organization, pay location, finance number, others as locally required.

**SAFEGUARDS:**

Paper records kept in locked files, computerized disk files password protected.

**RETENTION AND DISPOSAL:**

Records about individual employees will be destroyed within 6 months of employment termination at that facility. Lists generated from computerized systems will be destroyed upon the generation of a subsequent more current list.

**SYSTEM MANAGER(S) AND ADDRESS:**

Facility head.

**NOTIFICATION PROCEDURE:**

Inquiries should contain employee's name and be addressed to the SYSTEM MANAGER.

**RECORD ACCESS PROCEDURES:**

See NOTIFICATION PROCEDURE above.

**CONTESTING RECORD PROCEDURES:**

See NOTIFICATION PROCEDURE above.

**RECORD SOURCE CATEGORIES:**

Individuals of record. SPS 110.010.

**SYSTEM NAME:**

Property Management Records—Accountable Property Records, 110.010.

**SYSTEM LOCATION:**

All USPS Components.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Employees assigned accountable property.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records controlling the issuance of accountable Postal Service Property, such as equipment, credentials, and controlled documents.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

39 USC 401

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Purpose—To provide a record of accountable property on hand and to whom it has been assigned.

**Use—**

1. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate law enforcement agency, whether Federal, state, or local, 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. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

3. 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.

4. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

5. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its requests when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

6. Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR 1613 and the contents of the requested record are needed by the investigator in the

performance of his duty to investigate a discrimination issue involved in the complaint.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Information in this system is maintained on printed forms.

**RETRIEVABILITY:**

Name of recipient of accountable property and types of equipment.

**SAFEGUARDS:**

Physical security.

**RETENTION AND DISPOSAL:**

As long as individual is charged with equipment, records are returned to individual when he is no longer accountable.

**SYSTEM MANAGER(S) AND ADDRESS:**

(1) Chief Postal Inspector, Headquarter; (2) APMG, Procurement and Supply Department, Headquarters.

**NOTIFICATION PROCEDURE:**

Employees wishing to know whether information about them is maintained in the system should address inquiries to the Custodian in the facility where assignment was made. Headquarters employees should submit request to the SYSTEM MANAGER.

**RECORD ACCESS PROCEDURE:**

See NOTIFICATION above.

**CONTESTING RECORD PROCEDURES:**

See NOTIFICATION above.

**RECORD SOURCE CATEGORIES:**

Information is obtained by the individual to whom the record pertains.

**USPS 110.020**

**SYSTEM NAME:**

Property Management—Possible Infringement of USPS Intellectual Property Rights, 110.020

**SYSTEM LOCATION:**

National Headquarters, Law Department

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Possible infringers of USPS copyrights and trademarks.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Any reports from Inspection Service or other sources, advertisements, photographs, magazine clippings or any other documents reporting possible infringers, and any correspondence between the Postal Service and the possible infringer.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

39 U.S.C. 401(5).

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Purpose—To protect USPS intellectual properties by insuring timely action against possible infringers.

Use—

1. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body or other tribunal.

2. 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.

3. A record may be transferred, and information from it disclosed, to the Department of Justice or other counsel representing the Postal Service or any officer, employee, former officer or employee, consultant, contractor or subcontractor when appropriate to enable the Department or other counsel to afford proper representation to clients.

4. A record may be transferred, and information from it disclosed to any Federal agency as may be appropriate for the coordinated defense or prosecution of related litigation or the resolution of related claims or issues without litigation.

5. A record may be disclosed in a Federal, State, local, or foreign judicial or administrative proceeding in accordance with the procedures and practices governing such proceeding.

6. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, 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.

7. A record may be transferred and information from it disclosed to the Patent and Trademark Office, Department of Commerce, in any proceeding involving the registration of Postal Service trademarks.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Stored in locked file cabinets in original, typed, printed or handwritten form. Index cards, kept in a card file, are filed by USPS copyright and trademark

and subfiled under the name of each possible infringer of that particular copyright or trademark.

**RETRIEVABILITY:**

Cases are retrieved by name of possible infringer and USPS copyright or trademark.

**SAFEGUARDS:**

Records are maintained in locked file cabinets.

**RETENTION AND DISPOSAL:**

Records are retained six years after closing case and then destroyed by shredding or burning.

**SYSTEM MANAGER(S) AND ADDRESS:**

General Counsel, Law Department.

**NOTIFICATION PROCEDURE:**

Inquires should be addressed to the SYSTEM MANAGER above and should contain name and, if known, USPS copyright or trademark possibly infringed.

**RECORD ACCESS PROCEDURES:**

See NOTIFICATION PROCEDURE above.

**CONTESTING RECORD PROCEDURES:**

See NOTIFICATION PROCEDURE above.

**RECORD SOURCE CATEGORIES:**

Information is provided by the Postal Inspection Service, postal employees and customers.

**USPS 120.020**

**SYSTEM NAME:**

Personnel Records—Blood Donor Record System, 120.020

**SYSTEM LOCATION:**

Health Units at USPS Facilities; District Chapters of the American Red Cross.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

USPS employees who volunteer to join the USPS Blood Donor Program.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Name, address, pay location number, and information as to month they wish to donate blood.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

39 U.S.C. 401.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Purpose—To provide the USPS Blood Donation Program with Blood Bank

information so that donors can be spread throughout the year in their donation.

Use—

1. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

2. Pursuant to the National Labor Relations act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

3. 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.

4. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

#### STORAGE:

Information in this system is maintained on magnetic tape, punched cards, preprinted forms and computer printed reports.

#### RETRIEVABILITY:

Employee's name and social security number.

#### SAFEGUARDS:

Maintained in closed file cabinets in secured facilities.

#### RETENTION AND DISPOSAL:

These records are retained for a period of five years and then destroyed by shredding and automatic deletion in the case of computer information.

#### SYSTEM MANAGER(S) AND ADDRESS:

APMG, Employee Relations Department, Headquarters.

#### NOTIFICATION PROCEDURE:

Employees wishing to know whether information about them is maintained in this system of records should address inquiries to the head of the facility where employed. Headquarters employees should submit requests to the SYSTEM MANAGER. Inquiries should contain full name and social security number.

#### RECORD ACCESS PROCEDURES:

See NOTIFICATION above.

#### CONTESTING RECORD PROCEDURES:

See NOTIFICATION above.

#### RECORD SOURCE CATEGORIES:

Information is obtained from the individual.

#### USPS 120.036

#### SYSTEM NAME:

Personnel Records—Discipline, Grievance and Appeals Records for Non-Bargaining Unit Employees, 120.036

#### SYSTEM LOCATION:

All postal facilities.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records are maintained on non-bargaining employees in the Postal Service (PS), Postal Management Salary (PMS), Post Technical, Administrative, and Clerical (PTAC), Postal Executive Salary (PES) (except officers) and Non-City Delivery (NCD) who have completed six months of continuous service in the U.S. Postal Service or a minimum of twelve months of combined service, without break of a work day, in positions in the same line of work in the Civil Service and the Postal Service, unless any part of such service was pursuant to a temporary appointment in the competitive service with a definite time limitation.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

Notice to employee of proposed action, reply to notice, summary of oral reply, employee notice of grievance, employee notice of appeal, records of hearing proceedings, appeal decisions from installation head, region or Headquarters, notice of action, investigative reports and related records.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 1001.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—Provides a grievance and appeal procedure for an employee, not subject to the provisions of a collective bargaining agreement, who alleges that his rights regarding compensation, benefits, or other terms and conditions of employment have been adversely affected. Use—

1. To respond to a request from a Member of Congress regarding the status of an appeal, complaint or grievance.

2. To respond to a court subpoena and/or refer to a court in connection with a civil suit.

3. To adjudicate an appeal, complaint, or grievance.

4. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

5. To request information from a Federal, State or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information 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.

6. To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or 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 that matter.

7. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

8. Records from the employee file will be disclosed to the Federal Employees Appeals Authority Office of Personnel Management for action on Veterans Preference Appeals.

9. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

10. 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.

11. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

12. Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity

Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR 1613 and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Information in this system is maintained on paper in the form of letters, forms, notices. In some instances, records of hearing proceedings are on magnetic tape.

**RETRIEVABILITY:**

Employee name.

**SAFEGUARDS:**

Records are kept in locked filing cabinets or secured record storage rooms and are available only to authorized officials.

**RETENTION AND DISPOSAL:**

Appeal records are kept for two years after close of file. All others are kept one year after close of file. Records are destroyed by shredding.

**SYSTEM MANAGER(S) AND ADDRESS:**

APMG, Employee Relations Department, Headquarters.

**NOTIFICATION PROCEDURE:**

Field employees must submit a written request to the head of the field installation where the action was initiated. Headquarters employees must submit a written request to the System Manager. He may also request permission to listen to or record tape recordings of hearings. This must be done in the presence of a postal official. He must identify himself to the satisfaction of official authorized to approve request.

**RECORD ACCESS PROCEDURES:**

See "NOTIFICATION" above.

**CONTESTING RECORD PROCEDURES:**

See "NOTIFICATION" above.

**RECORD SOURCE CATEGORIES:**

Employee initialing actions; employee's supervisors, management, complaining customer, law enforcement agencies, and others.

**USPS 120.050**

**SYSTEM NAME:**

Personnel Records—Employee Suggestion Control, 120.050

**SYSTEM LOCATION:**

USPS Headquarters, Regional Headquarters, Post Offices, Bulk Mail Centers, Postal Data Centers.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

USPS employees.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Name of employee, employee number, employment location, suggestion number, subject, and decision. If adopted, estimate of benefits and recognition granted.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Chapter 45 of Title 5, U.S.C.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Purpose—To provide a source of data on individual performance which is often one factor in identifying nonnominees for other individual recognitions including cash awards. This information also provides data on the effectiveness of the program which is summarized in an Annual Report.

**Use—**

1. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

2. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by the organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

3. 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.

4. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

5. Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR 1613, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a

discrimination issue involved in the complaint.

6. Disclosure may be made to the news media from the record of an individual regarding his/her receipt of an employee award when the information is of news interest and consistent with the public right to know.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Information in this system is maintained on printed forms and on magnetic tape.

**RETRIEVABILITY:**

Employee name, region where employed, pay location, and district.

**SAFEGUARDS:**

This information is maintained in file cabinets in secured facilities.

**RETENTION AND DISPOSAL:**

Information in this system is retained for two years and then destroyed by shredding and automatic deletions for computer tapes.

**SYSTEM MANAGER(S) AND ADDRESS:**

APMG, Employee Relations Department, Headquarters

**NOTIFICATION PROCEDURE:**

Employees wishing to know whether information about them is maintained in this system of records should contact the head of the facility where employed. Also, employees who have appealed decisions or whose suggestions have been adopted nationwide should submit requests to the System Manager. Headquarters employees should submit all requests to the System Manager.

**RECORD ACCESS PROCEDURES:**

See "NOTIFICATION" above.

**CONTESTING RECORD PROCEDURES:**

See "NOTIFICATION" above.

**RECORD SOURCE CATEGORIES:**

Information is obtained from the individual making the suggestion.

**USPS 120.060**

**SYSTEM NAME:**

Personnel Records—Employment and Financial Interest Records, 120.060.

**SYSTEM LOCATION:**

Law Department, Headquarters, Offices of Associate Ethical Conduct Officers at Headquarters, Regional Headquarters, and Postal Data Centers.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

USPS employees in levels 24 and above and Special Employees as determined by the criteria in Executive Order 11222 as implemented by Postal Service regulations, 39 CFR 447.41(a).

**STORAGE:**

Employee name, title, salary, date of appointment to present position; list of organizations in which employee has a financial interest, types of indebtedness, interest in real property.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Executive Orders 11222 and 11590.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Purpose—To review a statement by designated Postal Service officials for possible conflicts of interest.

**Use—**

1. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

2. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

3. 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.

4. Disclosure may be made from the record of an individual, where pertinent in any legal proceeding to which the Postal Service is a party before a court or administrative body.

**STORAGE:**

Original preprinted forms.

**RETRIEVABILITY:**

Records are filed by name of employee, but organized according to organizational components.

**SAFEGUARDS:**

Records are kept in locked safe and access is limited to designated Postal Service officials on need-to-know basis.

**RETENTION AND DISPOSAL:**

Records are maintained for as long as employee is subject to reporting requirements and for two years thereafter. They are destroyed by shredding.

**SYSTEM MANAGER(S) AND ADDRESS:**

General Counsel, Law Department, Headquarters.

**NOTIFICATION PROCEDURE:**

Employees wishing to gain access to information pertaining to them should direct inquiries to the head of the facility where employed. Headquarters employees should submit requests to the SYSTEM MANAGER. Inquiries should contain full name and place of employment.

**RECORD ACCESS PROCEDURES:**

See NOTIFICATION above.

**CONTESTING RECORD PROCEDURES:**

See NOTIFICATION above.

**RECORD SOURCE CATEGORIES:**

Information submitted by individual employee on PS Form 2417 and 2418.

**USPS 120.070****SYSTEM NAME:**

Personnel Records—General Personnel Folders (Official Personnel folders and records related thereto), 120.070.

**SYSTEM LOCATION:**

Personnel Offices of all USPS facilities; St. Louis Personnel Records Centers, E&LR Information Centers and National Test Administration Center.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Present and former USPS employees.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Applications, resumes, merit evaluations, promotion/salary change and other personnel actions, letters of commendation, records of disciplinary action, health benefit and life insurance elections and other documents pertaining to preemployment, prior Federal employment and current service as prescribed by USPS directives.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

39 USC 1001, 1005 42 USC 2000e-16, Executive Orders 11478 and 11590.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Purpose—Used by administrators in Personnel Office and by individual employee supervisors to perform routine personnel functions.

**Use—**

1. To provide information to a prospective employer of a USPS employee or former USPS employee.

2. To provide data for the automated Central Personnel Data File, CPDF,

maintained by the Office of Personnel Management (OPM).

3. To provide statistical reports to Congress, agencies, and the public on characteristics of the USPS work force.

4. To provide information or disclose 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 letting of a contract, or issuance of a license, grant, or other benefit to the extent that the information is relevant and necessary.

5. To request information from a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, relevant to a 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.

6. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency whether Federal, State, or local, 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.

7. To provide data for the compilation of a local seniority list that is used by management to make decisions pertaining to appointment and assignments among craft personnel. The list is posted in local facilities where it may be reviewed by USPS employees.

8. Transfer to the OPM upon retirement of an employee for processing retirement benefits.

9. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

10. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

11. 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.

12. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding, to which the

Postal Service is a party before a court or administrative body.

13. Disclosure of relevant and necessary information pertaining to an employee's participation in health, life insurance and retirement programs may be made to the Office of Personnel Management and private carriers for the provision of related benefits to the participant (also see USPS 050.020).

14. Disclosure of minority designation codes may be made to the Equal Employment Opportunity Commission for the oversight and enforcement of Federal EEO regulations. (Advance notice)

15. Disclosure of records of discipline relating to individual employees may be made to State Employment Security Agencies at the initial determination level of the unemployment compensation claim process. (Advance notice)

16. Disclosure may be made to the Merit Systems Protection Board from the record of an individual to the extent that the information is relevant and necessary to a decision on appeal over which the Board has jurisdiction. (Advance notice)

17. Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR 1613, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

18. Inactive folders are transferred to the GSA National Personnel Records Center for storage.

19. Information pertaining to an employee who is retired military officer will be furnished to the appropriate service finance center as required under the provisions of the Dual Compensation Act.

20. May be disclosed to a Federal or State agency, providing parent locator services or to other authorized persons as defined by Public Law 93-647.

21. Records in this system are subject to review by an independent certified public accountant during an official audit of Postal Service finances.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper files, preprinted forms, Official Personnel Folders, magnetic tape and other computer storage devices.

**RETRIEVABILITY:**

Employee name and location of employment and social security number.

**SAFEGUARDS:**

Folders are maintained in locked cabinets to which only authorized personnel have access and are also protected by computer passwords and tape or disc library physical security.

**RETENTION AND DISPOSAL:**

(1) Official Personnel Folder (OPF) Records considered to be permanent are maintained until employee is separated, and then are sent to the National Personnel Records Center, St. Louis, for storage, or to another Federal agency to which the individual transfers employment. Most records considered to be temporary are destroyed one year after creation. (2) Records Related Thereto—Refer to official Postal Service disposition schedules.

**SYSTEM MANAGER(S) AND ADDRESS:**

APMG, Employee Relations Department, Headquarters.

**NOTIFICATION PROCEDURE:**

Employees wishing to gain access to their Official Personnel Folders should submit requests to the facility head where employed. Headquarters employees should submit requests to the System Manager. Former Postal Service employees should submit request to any Postal Service facility head giving name, date of birth and social security number. Former Post Office Department employees having no Postal Service employment (prior to July 1971) should submit the request to the Office of Personnel Management (formerly the U.S. Civil Service Commission).

**RECORD ACCESS PROCEDURE:**

See NOTIFICATION PROCEDURE above.

**CONTESTING RECORD PROCEDURES:**

See NOTIFICATION PROCEDURE above.

**RECORD SOURCE CATEGORIES:**

Individual employee, personal references, former employers and USPS 050.020 (Finance Records—Payroll System).

**USPS 120.090**

**SYSTEM NAME:**

Personnel Records—Medical Records, 120.090

**SYSTEM LOCATION:**

Postal Service medical facilities and designee offices.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

USPS employees present and former and individuals who have been offered employment but failed the medical examination before being placed on the rolls, and employees of other agencies that have entered into an agreement with the Postal Service to perform medical services for the agencies' employees.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Name, address, and pertinent medical information, i.e., history, findings, diagnosis, and treatment, and medical findings related to employees' exposure to toxic substances.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Authority for maintenance of system: 39 U.S.C. 401, 1001.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Purpose—To provide employees with necessary health care and to determine fitness for duty.

Use—

1. Information in these records may be provided to the Office of Personnel Management in making determinations related to:

- a. Veterans Preference
- b. Disability Retirement
- c. Benefit Entitlement

2. Information on these records may be provided to officials of the following Federal agencies responsible for administering benefit programs:

- a. Office of Workers' Compensation Programs

- b. Retired Military Pay Centers
- c. Veterans Administration
- d. Social Security Administration

3. Information in these records is used or a record may also be used:

- a. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

b. To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

c. Used as a record in line of duty injury cases and referred to Public Health Service, HEW.

4. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

5. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

6. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

7. Records in this system may be disclosed to an employee's private treating physician and to medical personnel retained by the Postal Service to provide medical services in connection with an employee's health or physical condition which is related to his or her employment.

8. May be disclosed to an outside medical service when that organization performs the physical examinations and submits the evaluation to the Postal Service pursuant to a contract with the USPS as part of an established Postal Service health program; for the purpose of determining a postal employee's fitness for duty.

9. Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR 1613, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

10. May be disclosed to the Occupational Safety and Health Administration, Department of Labor when needed by that organization to perform properly its duties in accordance with 29 CFR Section 19. (Advance notice)

11. May be disclosed to the National Institute of Occupational Safety and Health when needed by that organization to perform properly its duties in accordance with 29 CFR Section 19. (Advance notice)

12. Inactive records may be transferred to a GSA Federal Records Center prior to destruction.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Preprinted forms and paper files.

**RETRIEVABILITY:**

Records are retrieved by employee name.

**SAFEGUARDS:**

Maintained in locked files.

**RETENTION AND DISPOSAL:**

Employees—Records are destroyed by the sixth year after employee leaves the USPS. All records are shredded after six years. Failed Eligibles—Retained for two years and destroyed by shredding.

**SYSTEM MANAGER(S) AND ADDRESS:**

APMG, Employee Relations Department, Headquarters.

**NOTIFICATION PROCEDURE:**

An employee wishing to know whether information about him is maintained in this system of records should address inquiries to the head of the facility where employed. Headquarters employees should submit requests to the System Manager. Failed eligibles should address inquiries to the head of the facility where application for employment was made. Inquiries should contain full name.

**RECORD ACCESS PROCEDURE:**

Notification procedure above.

**CONTESTING RECORD PROCEDURES:**

See Notification procedure above.

**RECORD SOURCE CATEGORIES:**

USPS employees, selected eligibles, Veterans Administration and USPS medical staff.

**USPS 120.098**

**SYSTEM NAME:**

Personnel Records—Office of Workers' Compensation Program (OWCP), Record Copies 120.098.

**SYSTEM LOCATION:**

All postal facilities.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Postal employees who have voluntarily filed for injury compensation.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Copies of Department of Labor forms consisting of claims and supporting information, Postal Service forms and

correspondence related to the claim; automated payment and accounting records.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

39 U.S.C. 1005.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Purpose—This information is used to provide injury compensation to qualifying employees and to maintain a record of the events as a basis for managerial decisions.

Use—

1. To provide information to the Department of Labor for the purpose of determining whether a claimant qualifies for compensation and to what extent qualification applies.

2. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

3. 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.

4. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that circular.

5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

6. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether international, Federal, State or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Printed forms and correspondence (Note: In some cases, the USPS by agreement with the Department of Labor (DOL), temporarily stores original case

files. These files are considered to be DOL records to which DOL rather than USPS regulations apply.) Continuation of pay and DOL charge-back information is stored on computer media.

**RETRIEVABILITY:**

Records are retrieved alphabetically by name and social security number.

**SAFEGUARDS:**

Maintained in locked filing cabinets within the exclusive custody of the injury compensation control point. Automated records are protected through computer password security, encryptions, and/or a computer software security system.

**RETENTION AND DISPOSAL:**

OWCP case files are maintained for five years after employee has left the Postal Service, then destroyed.

**SYSTEM MANAGER(S) AND ADDRESS:**

APMG, Employee Relations Department, and APMG, Finance Department, Headquarters.

**NOTIFICATION PROCEDURE:**

Employees wishing to know whether information about them is maintained in this system of records should address inquiries to the head of the facility where employed. Headquarters employees should submit requests to the System manager.

**RECORD ACCESS PROCEDURE:**

See NOTIFICATION PROCEDURE above. (Note: The original case file (in most cases) is maintained by OWCP and must be requested from that organization as provided for under Department of Labor Privacy Act System DOL/EAS-13.)

**CONTESTING RECORD PROCEDURES:**

The contents of OWCP records may be contested only by contacting OWCP as provided for under the Department of Labor Privacy Act System DOL/EAS-13.

**RECORD SOURCE CATEGORIES:**

Information is obtained from the claimant, the supervisor, witnesses, physicians, and Department of Labor.

USPS 120.099

**SYSTEM NAME:**

Personnel Records—injury Compensation Payment Validation Records, 120.099.

**SYSTEM LOCATION:**

All postal facilities having injury compensation units. National Headquarters and Postal Data Centers.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Current and former Postal Service employees who have received or are receiving injury compensation program payments.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Lists of individuals whose names appear in two systems of records, research case records, and remuneration records related to injury compensation paid to current and former employees by the Postal Service. (See "Retention and disposal" below for cases in which these records are converted to investigative files.)

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

39 U.S.C. 1001, 39 U.S.C. 1005.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

Purpose—This information is used to identify instances in which improper double payments have been or are being made to Postal Service employees who have filed injury-sickness compensation claims and to maintain records of this event as a basis for: detecting fraud; seeking remuneration and/or legal action; reporting the extent of double payments nationwide; and for proposing corrective legislation.

**Use:**

1. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

2. 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.

3. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that circular.

4. Disclosure may be made from the record of an individual where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administration body.

5. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether international, Federal, State or local, charged with the responsibility of investigating or prosecuting such

violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Computer reports, paper records, correspondence and research records. (Note: These files are considered to be USPS records to which USPS regulations apply.)

**RETRIEVABILITY:**

Records are retrieved by social security number.

**SAFEGUARDS:**

These restricted files are maintained in locked file cabinets. Access to automated records is protected through a computer security system, file encryption, and/or password protection.

**RETENTION AND DISPOSAL:**

a. Computer reports.

(1) Initial data collection reports and master file/tape are maintained for 3 years and destroyed by depersonalization.

(2) Subsequent reports containing affirmative identifications become part of research case records.

b. Research case records (copies of records from other system—includes computer reports, paper records, and correspondence).

(1) If research determines nonapplicability, destroy by burning or shredding, 6 months after such determination is made.

(2) If research determines applicability, research records then become (a) part of an investigative case file and fall within system USPS 080.010, Inspection Requirements Investigative File System (refer to USPS 080.010 for retention and disposal instructions), or (b) a remuneration case file which is maintained for 2 years and destroyed by burning or shredding.

Extra copies of research records are destroyed at the time a remuneration or investigative case file is created.

**SYSTEM MANAGER(S) AND ADDRESS:**

APMG, Employee Relations Department, Headquarters.

**NOTIFICATION PROCEDURE:**

Employees or former employees wishing to know whether information about them is maintained in this system or records should address inquiries to the System manager.

**RECORD ACCESS PROCEDURES:**

See NOTIFICATION PROCEDURE above.

**CONTESTING RECORD PROCEDURES:**

See NOTIFICATION above.

**RECORD SOURCE CATEGORIES:**

Information is obtained from Postal Service injury compensation case files, payment records and employment records as found in USPS Privacy Act Systems: USPS 050.020, 120.070, and 120.098; Social Security Administration death files; and pertinent Federal health benefit carrier's claim/payment files.

**USPS 120.100****SYSTEM NAME:**

Personnel Records—Performance Awards System Records, 120.100

**SYSTEM LOCATION:**

Headquarters Personnel Division and Inspection Service, and Inspection Service Regional and Divisional Offices; District Offices; Post Offices; Bulk Mail Centers; Postal Data Centers.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

USPS employees.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Name of employee, employee number, pay location, basis for award and award granted.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Chapter 45 of Title 39, USC.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Purpose—To control and measure the effectiveness of the Cash Awards Program.

Use—

1. Information is summarized and furnished to the Office of Personnel Management annually, to be included in the OPM report on incentive awards to the President.

2. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

3. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

4. 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.

5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

6. Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR 1613 and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

7. Disclosure may be made to the news media from the record of an individual regarding his/her receipt of an employee award when the information is of news interest and consistent with the public right to know.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Magnetic tape and printed forms.

**RETRIEVABILITY:**

Employee name, region where employed, pay location and district.

**SAFEGUARDS:**

Physical security.

**RETENTION AND DISPOSAL:**

Records are maintained for four years and then destroyed by shredding.

**SYSTEM MANAGER(S) AND ADDRESS:**

APMG, Employee Relations Department, Headquarters.

**NOTIFICATION PROCEDURE:**

Employees wishing to know whether information about them is maintained in this system of records should address inquiries to the head of the facility where employed. Headquarters employees should submit requests to the SYSTEM MANAGER. Inquiries should contain full name, and pay location.

**RECORD ACCESS PROCEDURES:**

See NOTIFICATION above.

**CONTESTING RECORD PROCEDURES:**

See NOTIFICATION above.

**RECORD SOURCE CATEGORIES:**

Information is obtained in summary printouts supplied to each region by Postal Data Centers.

**USPS 120.151****SYSTEM NAME:**

Personnel Records—Recruiting, Examining and Appointment Records, 120.151.

**SYSTEM LOCATION:**

U.S. Postal Service personnel offices and/or other offices within Postal Service facilities authorized to engage in recruiting or examining activities or make appointments to positions.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Job applicants.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Personal and professional resumes, personal applications, test scores, academic transcripts, letters of recommendation, medical records and registers of eligibles. Medical records are accumulated by personnel offices prior to transmittal to medical facilities. In cases where applicant is not hired because of unsuitable medical determination, a statement of medical findings will exist in this system.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

39 U.S.C. 401, 1001.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Purpose—To provide managers, personnel officials and medical officers information in recruiting and recommending appointment of qualified persons.

Use—

1. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, State, or local 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. To request information from a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, relevant to a 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. Disclosure may be made to a Federal agency in connection with the hiring or retention of an employee, the letting of a contract or issuance of a license, grant or other benefit to the extent that the information is relevant and necessary to the agency's decision on that matter.

4. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

5. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

6. 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.

7. Disclosure may be made from the record of an individual, where pertinent in any legal proceeding to which the Postal Service is a party before a court or administrative body.

8. Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR Part 1613, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

9. Inactive records may be transferred to a GSA Federal Records Center prior to destruction.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.**

**STORAGE:**

Paper files, index cards, magnetic tape, punched cards, preprinted forms and computer printed reports.

**RETRIEVABILITY:**

Job applicant name and/or social security number.

**SAFEGUARDS:**

Paper records are maintained in closed filing cabinets under scrutiny of designated managers. Computer records are maintained in secured facilities.

**RETENTION AND DISPOSAL:**

Records are retained for period of usefulness which varies by type of record and ranges from one day to 10 years. Retention periods for individual record types may be found in official USPS records retention schedules. At the end of period of usefulness, records are destroyed with the exception of lists of eligibles and examination cards which are transferred to the National Personnel Records Center, St. Louis, Mo. Certain records of examination are maintained as part of USPS 120.120, Personnel Records—Personnel Research and Test Validation Records. Certain records containing medical information are maintained as part of USPS 120.090.

**SYSTEM MANAGER(S) AND ADDRESS:**

APMG, Employee Relations Department, Headquarters.

**NOTIFICATION PROCEDURE:**

Persons wishing to know whether information is contained on them in this system of records should address inquiries to the head of the facility to which job application was made. Inquiries should contain full name, social security number, and if applicable, approximate date of application submitted and residence.

**RECORD ACCESS PROCEDURES:**

See NOTIFICATION PROCEDURE above.

**CONTESTING RECORD PROCEDURES:**

See NOTIFICATION PROCEDURE above.

**RECORD SOURCE CATEGORIES:**

Individual, school officials, former employers, supervisors, named references.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Reference 39 CFR 266.9 for details.

**USPS 120.170**

**SYSTEM NAME:**

Personnel Records—Safe Driver Award Records, 120.170.

**SYSTEM LOCATION:**

Motor Vehicle Offices of Postal Facilities.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

USPS employees who are full-time drivers of postal vehicles.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Contain employees' name, yearly Safe Driver Awards and record of any accidents in which employee is involved.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

39 U.S.C. 401.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Purpose—To provide information for awarding Safe Driver Awards.

Use—

1. To furnish information to the National Safety Council for award purposes.

2. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

3. Pursuant to the National Labor Relation Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

4. 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.

5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court of administrative body.

6. Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR 1613 and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

**STORAGE:**

Records are maintained on index cards.

**RETRIEVABILITY:**

Filed alphabetically by name of employee.

**SAFEGUARDS:**

Kept in closed file cabinet with limited access.

**RETENTION AND DISPOSAL:**

a. Records pertaining to postal-owned vehicle driver's individual testing and driver's records are retained for three

years after separation of the employee and destroyed by shredding.

b. Accident reports are retained for three years and destroyed by shredding.

c. Inspection reports are retained for two years after the date of the report and destroyed by shredding.

d. Other records are retained as long as the individual is employed as a vehicle operator, held for one year from the date of reassignment and destroyed by shredding.

**SYSTEM MANAGER(S) AND ADDRESS:**

APMG, Employee Relations Department, Headquarters.

**NOTIFICATION PROCEDURE:**

Employees wishing to know whether information about them is maintained in this system of records should address inquiries to the head of the facility where employed. Headquarters employees should submit the request to the SYSTEM MANAGER. Inquiries should contain full name.

**RECORD ACCESS PROCEDURES:**

See NOTIFICATION above.

**CONTESTING RECORD PROCEDURES:**

See NOTIFICATION above.

**RECORD SOURCE CATEGORIES:**

Information is obtained from the driver and from USPS accident reports.

USPS 120.220

**SYSTEM NAME:**

Personnel Records—Arbitration Case Files, 120.220

**SYSTEM LOCATION:**

Law Department, Regional and National Headquarters.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Employees involved in labor arbitration.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

(a) Formal pleadings and memoranda of law; (b) Other relevant documents; (c) Miscellaneous notes and case analyses prepared by Postal Service attorneys and personnel; (d) Correspondence and telephone records.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

39 U.S.C. 401, 109(d).

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Purpose—This information is used to provide legal advice and representation to the Postal Service.

Use—

1. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

2. Disclosure may be made from the record of an individual, where pertinent in any legal proceeding to which the Postal Service is a party before a court or administrative body or other tribunal.

3. 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.

4. Transferred to Department of Justice, when needed by that department to perform properly its duties as legal representative of the Postal Service.

5. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, 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.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper documents and computer tape/disk.

**RETRIEVABILITY:**

By name of litigant(s).

**SAFEGUARDS:**

Folders containing paper documents are kept in locked filing cabinets under the general scrutiny of Postal Service attorneys. Computer terminals and tape/disk files are located in a secured area.

**RETENTION AND DISPOSAL:**

Selected records are maintained on an active basis until subject matter has no information value, and on an inactive basis for an additional three years. All other records are maintained for five years. Paper records are shredded and computer tape/disk records are erased at the end of retention period.

**SYSTEM MANAGER(S) AND ADDRESS:**

General Counsel, Law Department, Headquarters.

**NOTIFICATION PROCEDURE:**

Persons interested in reviewing records within specific case files should

submit their name; and case number, if known, to the General Counsel, Law Department, National Headquarters.

**RECORD ACCESS PROCEDURES:**

See "System Manager" above.

**CONTESTING RECORD PROCEDURES:**

See "System Manager" above.

**RECORD SOURCE CATEGORIES:**

(a) Employees involved in labor arbitration cases; (b) Counsel(s) or other representative(s) for parties involved in the arbitration case other than Postal Service; (c) Arbitrators; (d) Other individuals involved in labor arbitration cases. Source documents include the formal case file, and other records relevant to the case.

USPS 130.020

**SYSTEM NAME:**

Philately—Educators Stamp Fun Mailing Lists, 130.020.

**SYSTEM LOCATION:**

Customer Services Department, Headquarters.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Elementary school teachers in schools around the country.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Teachers' name, address of school, number of students in the school, number of known stamp collectors in the school, existence of a stamp club.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

39 USC 401, 404.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Purpose—These records are used by the Philatelic Education Division of the Office of Stamps to mail periodically issues of "Stamp Fun."

Use—

1. 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.

2. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Punched cards.

**RETRIEVABILITY:**

Index by coding number or school teachers name.

**SAFEGUARDS:**

Stored in locked room.

**RETENTION AND DISPOSAL:**

Indefinitely with annual updates.

**SYSTEM MANAGER(S) AND ADDRESS:**

APMG, Customer Services  
Department, Headquarters.

**NOTIFICATION PROCEDURE:**

Persons wishing to know whether information about them is maintained in this system of records should address inquiries to the above SYSTEM MANAGER. Inquiries should include full name and name and address of school.

**RECORD ACCESS PROCEDURE:**

See NOTIFICATION PROCEDURE above.

**CONTESTING RECORD PROCEDURES:**

See NOTIFICATION PROCEDURE above.

**RECORD SOURCE CATEGORIES:**

Return responses from national mailing of "Stamp Fun."

USPS 150.025

**SYSTEM NAME:**

Records and Information Management Records—Privacy Act Appeals System, 150.025.

**SYSTEM LOCATION:**

Postal Service, National Headquarters.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

The system encompasses all individuals who submit appeals under the provisions of the Privacy Act of 1974.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The system consists of copies of all correspondence relating to appeals from Postal Service denials of amendment of records pursuant to the Privacy Act, of pleadings in civil actions arising under the Act, and of other documents incidental thereto.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 552a.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Purpose—To enable the USPS Privacy Appeals Officer to carry out his duties as appellate authority and to comply with reporting requirements. Use—

1. These records are used to provide information and records to the Department of Justice in its coordination of responses to requests for information and its representation of the Postal Service in civil actions and to prepare reports required by 5 U.S.C. 552a(p).

2. 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.

3. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

4. Inactive records may be transferred to GSA Federal Records Center prior to destruction.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

These records are stored as paper files.

**RETRIEVABILITY:**

Alphabetically, by name of the requester except in those instances where a requester has an appeal filed on his behalf by an attorney. In those cases, the attorney's name might appear as the requester appellant.

**SAFEGUARDS:**

These records are stored in locked cabinets.

**RETENTION AND DISPOSAL:**

These records are maintained for ten years.

**SYSTEM MANAGER(S) AND ADDRESS:**

Postal Privacy Appeals Officer,  
Headquarters.

**NOTIFICATION PROCEDURE:**

Inquiries should be addressed to the System Manager above and should contain the name of the requester and name of attorney if applicable.

**RECORD ACCESS PROCEDURES:**

See NOTIFICATION above.

**CONTESTING RECORD PROCEDURES:**

See NOTIFICATION above.

**RECORD SOURCE CATEGORIES:**

The individual to whom the record pertains, and that person's attorney.

USPS 170.010

**SYSTEM NAME:**

Statistical (Cost) Systems—Workload Reporting Records, 170.010.

**SYSTEM LOCATION:**

Workload Reporting Records are located and/or maintained in various Departments and Facilities of the USPS.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

USPS employees and contract employees assigned to work on specific projects.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

May include employee initials and surname, organizational unit and division, work hours on daily, weekly, or pay period basis by course number designated, social security number, systems code, weekly totals and pay period totals, project number, project name, name of customer contact, estimated completion date, estimated resources, actual contact, and general remarks about the development of the project.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

39 U.S.C. 401, 404.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Purpose—The system is used to determine project costs for billing customers for services and by management to schedule work loads and staffing.

**Use—**

1. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that circular.

2. 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.

3. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

4. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

5. Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission, upon his request, when that investigator is properly engaged in

the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR 1613, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Printed forms, magnetic tape and disks.

**RETRIEVABILITY:**

Employee initials and name, project number, system code, social security number, pay period or project name.

**SAFEGUARDS:**

Maintained in secured area within secured facility.

**RETENTION AND DISPOSAL:**

In some cases, records are retained for one year and then automatically deleted from computer disks and paper files are destroyed by shredding. Some records are maintained on computer tape beyond one year for historical and trend analyses.

**SYSTEM MANAGER(S) AND ADDRESS:**

The department or facility head where such records are required.

**NOTIFICATION PROCEDURE:**

Employees wishing to gain access to this information should address inquiries to the department or facility head where employed at the time of work load reporting. Inquiries should contain full name and project name and number.

**RECORD ACCESS PROCEDURES:**

See NOTIFICATION above.

**CONTESTING RECORD PROCEDURES:**

See NOTIFICATION above.

**RECORD SOURCE CATEGORIES:**

Prepared by employee or supervisor as activities occur.

**USPS 190.010**

**SYSTEM NAME:**

Litigation Records—Civil Action Case Files, 190.010

**SYSTEM LOCATION:**

Law Department, Regional and National Headquarters, Offices of Regional Counsel.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals involved in litigation to which the USPS is a party or in which

information or testimony is sought from Postal Service sources.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

(a) Formal pleadings and memoranda of law; (b) Other relevant documents; (c) Miscellaneous notes and case analyses prepared by Postal Service attorneys and other personnel; (d) Correspondence and telephone records.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

39 U.S.C. 401, 409(d).

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

**Purpose**—This information is used to provide legal advice and representation to the Postal Service.

**Use**—

1. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

2. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body or other tribunal.

3. 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.

4. A record may be transferred, and information from it disclosed, to the Department of Justice or to other counsel representing the Postal Service or any officer, employee, former officer or employee, consultant, contractor or subcontractor when appropriate to enable the Department or other counsel to afford proper representation to clients.

5. A record may be transferred, and information from it disclosed to any Federal agency as may be appropriate for the coordinated defense or prosecution of related litigation or the resolution of related claims or issues without litigation.

6. A record may be disclosed in a Federal, State, local, or foreign judicial or administrative proceeding in accordance with the procedures and practices governing such proceeding.

7. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, 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.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper documents and computer tape/disk.

**RETRIEVABILITY:**

By name of litigant(s).

**SAFEGUARDS:**

Folders containing paper documents are kept in locked filing cabinets under the general scrutiny of Postal Service attorneys. Computer terminals and tape/disk files are located in a secured area.

**RETENTION AND DISPOSAL:**

Selected records are maintained on an active basis until subject matter has no information value, and on an inactive basis for an additional three years. All other records are maintained for five years. Paper records are shredded and computer tape/disk records are erased at the end of retention period.

**SYSTEM MANAGER(S) AND ADDRESS:**

General Counsel, Law Department, Headquarters.

**NOTIFICATION PROCEDURE:**

Persons interested in reviewing records within specific case files should submit their name, case number and court of record, if known, to the General Counsel Law Department, National Headquarters.

**RECORD ACCESS PROCEDURES:**

See NOTIFICATION PROCEDURE above.

**CONTESTING RECORD PROCEDURES:**

See NOTIFICATION PROCEDURE above.

**RECORD SOURCE CATEGORIES:**

(a) Individuals involved in litigation pertaining to employee and labor relations; (b) Counsel(s) and other representatives for parties in litigation pertaining to employee and labor relations. Source document include administrative complaint/action file, grievance file, and/or other records relevant to the case.

**USPS 190.020**

**SYSTEM NAME:**

Litigation Records—National Labor Relations Board Administrative Litigation Case Files, 190.020

**SYSTEM LOCATION:**

Law Department, Regional and National Headquarters.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Employees who are charging parties in NLRB cases, or on whose behalf NLRB charges have been filed by a collective bargaining representative.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

(a) Formal pleadings and memoranda of law; (b) Other relevant documents, (c) Miscellaneous notes and case analyses prepared by Postal Service attorneys and personnel; (d) Correspondence and telephone records.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

39 U.S.C. 401, 409(d)

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

**Purpose**—This information is used to provide legal advice and representation to the Postal Service.

**Use**—

1. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

2. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body or other tribunal.

3. 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.

4. Transferred to the Department of Justice, when needed by that department to perform properly its duties as legal representative of Postal Service.

5. To refer, where there is an indication of a violation or potential violation of law, whether civil criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulations, or order issued pursuant thereto.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper documents (filed by case number) and computer tape/disk.

**RETRIEVABILITY:**

By name of charging party or individual on whose behalf a charge has been filed or by NLRB case number of case.

**SAFEGUARDS:**

Case folders are kept in locked filing cabinets under the general scrutiny of Postal Service attorneys. Computer terminals and tape/disk files are located in a secured area.

**RETENTION AND DISPOSAL:**

Selected records are maintained on an active basis until subject matter has no information value, and on inactive basis for an additional three years. All other records are maintained for five years. Paper records are shredded and computer tape/disk records are erased at the end of retention period.

**SYSTEM MANAGER(S) AND ADDRESS:**

General Counsel, Law Department, Headquarters.

**NOTIFICATION PROCEDURE:**

Persons interested in reviewing records within specific files should submit their name and NLRB case number, if known, to the General Counsel, Law Department, National Headquarters.

**RECORD ACCESS PROCEDURES:**

See NOTIFICATION PROCEDURE above.

**CONTESTING RECORD PROCEDURES:**

See NOTIFICATION PROCEDURE above.

**RECORD SOURCE CATEGORIES:**

(a) Employee involved in NLRB cases; (b) Counsel(s) or other representative(s) for parties involved in the case other than the Postal Service; (c) The National Labor Relations Board and its General Counsel; (d) Other individuals involved in NLRB cases. Source documents include case files and other relevant records.

**USPS 200.230****SYSTEM NAME:**

Non-Mail Monetary Claims—Tort Claims, Records, 200.030

**SYSTEM LOCATION:**

Law Department at Headquarters and regions, Postal Inspection Service,

Division Headquarters, Post Offices and Post Data Centers.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Persons involved in accident as a result of postal operations or alleging money damages under the provisions of the Federal Tort Claims Act.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Accident reports, tort claims filed, documentary evidence in support of tort claims, and litigation arising out of tort claims.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

28 U.S.C. 2671-80; 39 U.S.C. 409(c).

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

**Purpose**—Used by attorneys and other employees of the Postal Service to consider, settle and defend against tort claims made against the USPS under the Federal Tort Claims Act. To refer to accident prevention and safety officers, manufacturers of equipment and supplies and their insurers.

**Use**—

1. Transferred to Department of Justice, other governmental agencies, and other persons involved in a claim against the Postal Service, or use in adjudication, civil litigation and criminal prosecution.

2. To provide members of the American Insurance Association Index System with certain information related to accidents and injuries.

3. Provide information to USPS accident prevention and safety officers.

4. Furnish information to insurance companies that have named the United States as an additional insured or co-insured in liability insurance policies.

5. Provide information to equipment manufacturers and their insurers for claims considerations and possible improvement of equipment.

6. To respond to a subpoena duces tecum and other appropriate court order and summons.

7. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

8. 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.

9. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

10. Inactive records may be transferred to a GSA Federal Records Center prior to destruction.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper form, original or copies, preprinted or handwritten forms.

**RETRIEVABILITY:**

Information may be retrieved by person's name or Postal Inspection Service case number.

**SAFEGUARDS:**

Records are maintained in ordinary filing equipment under general scrutiny of postal personnel.

**RETENTION AND DISPOSAL:**

Paid claims records are retained for seven years after payment. All other files are retained for five years after closing. All records are destroyed by shredding or burning.

**SYSTEM MANAGER(S) AND ADDRESS:**

(1) General Counsel, Law Department, Headquarters; (2) Chief Postal Inspector, Headquarters.

**NOTIFICATION PROCEDURE:**

Furnish person's name, data and place of occurrence giving rise to a claim under the Federal Tort Claims Act, to the head of the facility where the claim was filed.

**RECORD ACCESS PROCEDURE:**

See NOTIFICATION above.

**CONTESTING RECORD PROCEDURES:**

See NOTIFICATION above.

**RECORD SOURCE CATEGORIES:**

Claimants making demands for money damages, reports of postal employees involved in accidents, local police reports, Inspection Service investigative reports and American Insurance Association Index reports.

**USPS 210.010**

**SYSTEM NAME:**

Contractor Records—Architect Engineers Selection Records, 210.010

**SYSTEM LOCATION:**

Real Estate and Buildings Department, USPS Headquarters and Postal Regions.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Professional Architect Engineers.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Information profile on individual's past experience and present qualifications in the field of providing architect engineering services.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

39 U.S.C. 401

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Purpose—To facilitate the review and assessment of the qualifications of architect-engineer firms which have potential for selection and award of a contract to perform architect-engineer services under a designated facility project.

**Use—**

1. 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.
2. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.
3. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, 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.

Use—

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are maintained on printed forms.

**RETRIEVABILITY:**

Records are indexed by State, city and name of individual or firm.

**SAFEGUARDS:**

Records access is limited to authorized personnel in the Department of Real Estate and Buildings. Records are retained in filing receptacles in locked quarters and in a secured building facility.

**RETENTION AND DISPOSAL:**

Architect/Engineer service questionnaires are retained for one year and then destroyed by shredding or burning Project forms other than those related to successful awards, are retained on an active basis for one year or until the Architect/Engineer project

contract is awarded, whichever is later. Project forms related to successful awards are retained for five years on an active basis and for one additional year on an inactive basis before destruction.

**SYSTEM MANAGER(S) AND ADDRESS:**

APMG, Real Estate and Building Department, USPS Headquarters.

**NOTIFICATION PROCEDURE:**

Persons desiring information about this system of records should address their inquiries to the designated SYSTEM MANAGER and provide his name and project title.

**RECORD ACCESS PROCEDURES:**

See SYSTEM MANAGER above.

**USPS 210.030**

**SYSTEM NAME:**

Contractor Records—Contractor Employee Fingerprint Records, 210.030

**SYSTEM LOCATION:**

Mail Processing Department, Headquarters; Regional Offices; Sectional Centers; Bulk Mail Centers; Post Offices.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Persons under contract with the USPS.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Name and social security number, fingerprints.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

39 U.S.C. 401.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Purpose—To provide information to the Contracting Officer with regard to the USPS screening procedures if a contractor employee has had a previous arrest record.

**Use—**

1. All USPS fingerprint charts are sent to the Federal Bureau of Investigations.
2. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

3. 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.

4. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the

Postal Service is a party before a court or administrative body.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

In original typed, printed or handwritten form.

**RETRIEVABILITY:**

Contractor employee name.

**SAFEGUARDS:**

Maintained in locked file cabinets by Administrative Officials.

**RETENTION AND DISPOSAL:**

Records are kept until employee leaves employment of USPS and then destroyed one year later by shredding.

**SYSTEM MANAGER(S) AND ADDRESS:**

APMG, Mail Processing Department, Headquarters.

**NOTIFICATION PROCEDURE:**

Inquiries should be addressed to the Regional Postmaster General within the region where employed. Inquiries should contain full name and social security number.

**RECORD ACCESS PROCEDURES:**

See NOTIFICATION above.

**CONTESTING RECORD PROCEDURES:**

See NOTIFICATION above.

**RECORD SOURCE CATEGORIES:**

Contractor employed by the USPS. List of U.S. Postal Service Facilities Referenced Herein.

The address of each Postal Service facility to which requests may be sent (referred to in systems descriptions), other than post offices and the geographical area served, is provided below. The addresses of individual post offices are not provided because of their large number and because that information is available locally to all concerned individuals.

The addresses of all Postal facilities, including locations in Puerto Rico, and the Virgin Islands are contained in THE NATIONAL ZIP CODE AND POST OFFICE DIRECTORY, Publication 65, STOCK NUMBER 039-00-00261-2, available for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Postmasters, upon request, will supply the addresses of the Management Sectional Centers and District Offices to which they report.

The following excerpt to addresses and areas serviced is provided for convenience of Privacy Act correspondents, and obviates the

repetition in each notice. All "Headquarters" addresses are: (Office), U.S. Postal Service, 475 L'Enfant Plaza West SW., Washington, D.C. 20260.

**Postal Service Regional Offices**

Regional Postmaster General, Central Region, Main P.O. Bldg., Chicago, IL 60699. (States serviced: IL, MI, OH, IN, HY, WI, MN, IA, MO, ND, SD, NE, KS, (except 679).)

Regional Postmaster General, Eastern Region, P.O. Box 8601, Philadelphia, PA 19101. (States serviced: VA, WV, MD, DE, PA, DC, and those portions of New York State and New Jersey outside the Greater New York City Metropolitan area.)

Regional Postmaster General, Southern Region, 5100 Popular Ave., Memphis, TN 38166. (States serviced: TN, AL, MS, TX, LA, GA, FL, NC, SC, OK, AR and KS (679).)

Regional Postmaster General, Northeast Region, 1633 Broadway (at 50th Street) New York, NY 10098. (States serviced: New York City, RI, MA, NH, VT, ME, and those portions of New York State, Connecticut, and New Jersey within the New York City Metropolitan area, also Puerto Rico and Virgin Islands.)

Regional Postmaster General, Western Region, 850 Cherry St., San Bruno, CA 94099. (States serviced: CA, NV, HI, AK, WA, OR, MT, ID, WY, UT, CO, AZ, NM, EL Paso, TX Dist. and Guam.)

**Insepection Service**

Chief Postal Inspector, U.S. Postal Service, 475 L'Enfant Plaza West SW., Washington, D.C. 20260.

**TRAINING INSTITUTE**

Postal Service Training and Development Institute, 10000 Kentsdale Drive, Potomac, MD 20854.

**NATIONAL TEST ADMINISTRATION CENTER**

National Test Administration Center, U.S. Postal Service, Federal Building, Room 2001, 300 North Los Angeles Street, Los Angeles, California 90012.

**BULK MAIL CENTERS**

Atlanta, 1805 Bolton Road, NW., Atlanta, GA 30369.

Chicago, 7500 West Roosevelt Road, Building No. 1, Forest Park, IL 60130.

Cincinnati, 3055 Crescentville Road, Cincinnati, OH 45235.

Dallas, P.O. Box 21106, Dallas, TX 75211.

Denver, 7755 East 56th Avenue, Commerce City, CO 80022.

Des Moines, 4000 NW., 109th Street, Des Moines, IA 50395.

Detroit, 17500 Oakwood Boulevard, Allen Park, MI 48101.

Greensboro, 3701 West Wendover Avenue, Greensboro, NC 27495.

Jacksonville, 7515 Commonwealth Avenue, Jacksonville, FL 32099.

Kansas City, 4900 Speaker Road, Kansas City, KS 66106.

Los Angeles, 4701 South Eastern Avenue, Bell, CA 90201.

Memphis, 1921 Elvis Presley Boulevard, Memphis, TN 38136.

Minneapolis-St. Paul, 3165 South Lexington Avenue, St. Paul, MN 55121.

New York, 80 County Road, Jersey City, NJ 07307.

Philadelphia, 1900 Byberry Road, Philadelphia, PA 19116.

Pittsburgh, R.D. No. 2, Wexford, PA 15090.

St. Louis, 5800 Phantom Drive, Hazelwood, MO 63042.

San Francisco, 2501 Rydin Road, Richmond, CA 94850.

Seattle, P.O. Box 5000, Federal Way, WA 98002.

Springfield, 190 Fiberloid Street, Springfield, MA 01151.

Washington, 9201 Edgeworth Drive, Washington, D.C. 20027.

[FR Doc. 82-555 Filed 1-9-82; 8:45 am]

BILLING CODE 7710-12-M

**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-18382; File Nos. SR-Amex-81-23 and SR-CBOE-81-29]

**Self-Regulatory Organizations; Proposed Rule Changes by American Stock Exchange, Inc. and Chicago Board Options Exchange, Inc.**

In the matter of options allocation plans; comments requested on or before February 1, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act"), notice is hereby given that on December 23 and 24, 1981 the American Stock Exchange, Inc. ("Amex") and Chicago Board Options Exchange, Inc. ("CBOE"), respectively, filed with the Securities and Exchange Commission proposed rule changes as described in Items I, II and III below, which Items have been prepared by the self-regulatory organizations. The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

### I. Amex and CBOE Statements of the Terms of Substance of the Proposed Rule Changes

Amex, pursuant to Rule 19b-4 under the Act, proposes to amend the Allocation Plan previously entered into by the options exchanges and approved by the Securities Exchange Commission on May 30, 1980 (Securities Exchange Act Release No. 16863), as amended on June 1, 1981 (Securities Exchange Act Release No. 17833), concerning procedures for the selection and replacement of underlying securities for options trading. The Amex, CBOE, Pacific Stock Exchange and Philadelphia Stock Exchange have entered into an agreement to adopt amendments to the Allocation Plan respecting the use of an arbitrator in connection with the selection and replacement of options. The CBOE intends to amend the Allocation Plan in a substantially similar manner.

The CBOE stated that in order to give the Commission and other interested parties an opportunity to review and comment upon the proposed changes in the agreement, it elected to treat the agreement as a proposed rule change under Rule 19b-4. The text of the CBOE's proposed amendments to the Allocation Plan is attached as Exhibit A.<sup>1</sup> Italics indicate new material; brackets indicate deletions.

#### II. A. Amex and CBOE Statements of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

The Amex submitted the following statement of purpose and basis. The purpose of the Allocation Plan amendments is to establish procedures for the use of an arbitrator to make determinations concerning the potential selection of underlying securities prior to either a lottery or the replacement of involuntarily delisted options. The proposed amendments establish timeframes and other procedures that each options exchange will need to follow before a lottery can be held and before a new option can be added to replace an involuntarily delisted option. Further, the proposed amendments provide that in determining the eligibility of any selection of an underlying security, the exchanges will not invoke the "exceptional circumstance" provisions which are otherwise permitted by the exchanges' rules.

All the proposed changes are in furtherance of the Commission's request that the options exchanges create a plan that is agreed to by all option exchanges which provides for the equitable

allocation of new options among the existing options exchanges. In addition, the changes are consistent with the requirements of the Act and rules and regulations thereunder applicable to the Exchange in that they facilitate and standardize the method and procedure for replacing involuntarily delisted options in a fair and equitable manner. Therefore, the proposed rule changes are consistent with Section 6(b)(5) of the Act, which provides in pertinent part, that the rules of the Exchange be designed to promote just and equitable principles of trade.

The CBOE's statement of purpose and basis for the proposed amendment to the Allocation Plan is substantively similar to the one of Amex.

#### B. Amex and CBOE Statements on Burden on Competition

The Amex states that the proposed rule changes will not have any impact on competition. The CBOE states that it believes that whatever burdens the proposed rule change will impose on competition are necessary and appropriate in furtherance of the purposes of the Act.

#### C. Amex and CBOE Statements on Comments on the Proposed Rule Changes Received From Members, Participants, or Others

The Amex and CBOE state that no written comments on their respective proposals were solicited or received.

### III. Date of Effectiveness of the Proposed Rule Changes and Timing for Commission Action

On or before February 16, 1982, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organizations consent, the Commission will:

- A. By order approve such proposed rule changes, or
- B. Institute proceedings to determine whether the proposed rule changes should be disapproved.

### IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submissions, all subsequent amendments, all written statements with respect to the proposed rule changes that are filed with the

Commission, and all written communications relating to the proposed rule changes between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filings will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organizations. All submissions should refer to the file numbers in the caption above and should be submitted on or before February 1, 1982.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,  
Secretary.

January 4, 1982.

#### Exhibit A.—Proposed Amendments to Options Allocation Plan

*The rule change proposed in this filing was agreed upon by the American Stock Exchange ("Amex"), Chicago Board Options Exchange ("CBOE"), the Pacific Stock Exchange ("PSE") and the Philadelphia Stock Exchange ("Phlx"). It is designed to facilitate the allocation of options on eligible underlying stock to the various options exchanges, subsequent to the initial allocation, as described in Paragraphs F and G of this Item.*

- A. No change.
- B. No change.
- C. No change.
- D. No change.
- E. No change.
- F. [On the second Tuesday of each month] At any time after the initial allocation, further allocations shall be held at the request of one or more options exchanges, continuing the sequence described above in A.5 whereby the four participating options exchanges would be able to select any unallocated eligible underlying stock becoming eligible for options trading by the occurrence of events or because an options exchange that had previously been allocated an underlying stock failed to commence the trading of options with respect thereto within six months of the date of selection under the procedures set forth as follows:

1. Such allocation shall not take place until a list of additional eligible underlying securities has been established pursuant to the procedures herein.

2. Each of the exchanges shall have 30 calendar days from the date of notification of a call for an allocation to provide the arbitrator with a list of desired underlying securities. Such list may not be changed once submitted to the arbitrator. Once the arbitrator has received lists from all the exchanges, he shall thereafter serve copies of the selection lists on each of the exchanges

<sup>1</sup> The text of the Amex's proposed amendments is substantially similar to that of the CBOE proposal.

so that all exchanges receive the lists on the same date.

3. Within three business days of the request for an allocation each exchange shall inform the other exchanges and the arbitrator of the maximum number of additional underlying securities which it desires to select. The highest number stated by any exchange, multiplied by six, shall establish the maximum number of securities which an exchange may place on its selection list.

4. Up until the close of business on the fifth (5th) business day after receipt of the selection lists from the arbitrator, each exchange may challenge the eligibility of any security selected by another exchange. All challenges must be in writing to the selecting exchange and the arbitrator, and must specify the reason(s) for ineligibility, including appropriate supporting details. The exchange whose selection is challenged shall have until the close of business on the second business day after it receives notice of a challenge to submit data supporting its selection as qualified. The challenged exchange may withdraw its selection at any time and will only be assessed the actual costs for that particular challenge incurred by the arbitrator up to the time of withdrawal. However, no additional securities may be added to such exchange's list to replace any withdrawn security.

5. The allocation shall take place on the fifteenth business day following receipt of the security lists by the exchanges unless deferred pursuant to subparagraph 6 below and shall be conducted according to the procedures set forth herein.

6. The arbitrator shall resolve any challenge by the allocation date which may be deferred by the arbitrator for up to fifteen additional calendar days only if there are more than 8 challenges. Securities must be eligible as of the dates the lists are submitted to the arbitrator, and determination of eligibility shall be made based on the listing standards in effect at that time. It shall be no defense to any challenge that any provision of exchange rules permits waiver of a listing requirement where exceptional circumstances are present. If a security is deemed ineligible, that security must be stricken from the lists of all exchanges who have listed that security, and no other security may be substituted for the ineligible security which has been stricken. There shall be no appeal from the arbitrator's determination. No exchange shall select any security which is not on the selection list it submits to the arbitrator.

7. The calling of an allocation acts to suspend the right of any exchange to call a further allocation until the first allocation has been completed.

8. The arbitrator shall be The Options Clearing Corporation. In performing its arbitration function, OCC may employ whatever law firms, accounting firms or other agents and may perform such review as it, in its sole discretion, deems necessary to resolve any challenge within the time limits prescribed by this agreement. The arbitrator in its sole discretion shall have the right to request additional information as to eligibility or ineligibility from the selecting

or challenging exchange and to the extent the arbitrator deems necessary to independently verify the information received. It is expressly understood and agreed that the arbitrator is the issuer of the options and may independently of any challenge take any action permitted it under the Participant Exchange Agreement between it and the exchanges. No firm which has regularly provided professional services to any current options exchange during the period from January 1, 1978 to the present may provide support services to OCC in its arbitration function. No firm which currently is providing or has regularly provided professional services to an issuer within four years prior to the date of an allocation, may provide support services to OCC in determining eligibility for options trading of the securities of that issuer. The total cost of such outside services, plus any OCC staff time allocated to the process, shall be divided by the total number of challenges to arrive at a per challenge cost which shall be assessed against the loser in any challenge. If a challenge is sustained, the challenged party shall be assessed one unit of challenge costs. If a selection is upheld, the challenger shall be assessed one unit of challenge costs. Notwithstanding the foregoing, the arbitrator may, in its sole discretion, assess against the losing party or parties to any challenge any extraordinary expense of such challenge.

9. The Exchanges jointly and severally agree to indemnify The Options Clearing Corporation and to hold it harmless from and against any and all loss, damage, or expense (including attorney's fees and costs of litigation) that it may sustain by reason of its serving as arbitrator hereunder in the performance of its duties as such.

G. Introductory paragraph—No change.

1. Involuntarily delisted options, delisted either because of failure to meet the maintenance standards and/or because of changes in the corporate structure of the issues of the underlying security, may be replaced by an exchange outside of the normal allocation procedure if the exchange observes the following procedure. Subject to the provisions of subparagraph 5 below, an exchange must select a replacement option within ten business days of the replacement priority date, must promptly notify the other parties to this agreement of the selection and must admit the selection to trading within 90 calendar days from the date of selection. Failure of an exchange to observe this procedure shall result in that exchange's forfeiting its right to replacement outside the normal allocation procedure unless all parties to this amendment waive the forfeiture.

2. No change.

3. No change.

4. No change.

5. An exchange which seeks to replace an involuntarily delisted option shall notify the other exchanges within 24 hours of its selection. Telephonic or telegraphic notification shall be acceptable for this purpose. Up until the close of the third business day after receipt of this notification, each exchange may challenge the eligibility of the security selected. The challenge may be made in the same manner as notification

of the selection and shall provide the reason(s) for ineligibility. Upon any challenge, both the challenger(s) and the challenged party shall submit to the arbitrator (referred to in paragraph F above) within three business days of the challenge written support for their claims of ineligibility or eligibility. The arbitrator shall determine whether the security under challenge is in fact eligible and there shall be no appeal from the arbitrator's determination. Securities will be deemed eligible only if they meet the applicable listing standards on the date of selection. It shall be no defense to any challenge that any provision of exchange rules permits waiver of a listing requirement where exceptional circumstances are present. If a security is deemed ineligible, the exchange seeking replacement shall have up until the close of business on the fifth (5th) business day after receipt of the arbitrator's determination to select and notify the other exchanges of another proposed replacement selection. Such selection shall also be subject to the above notification and challenge procedure. The cost(s) of any challenge(s) incurred in determining the eligibility of a replacement selection shall be borne in the manner as provided in subparagraph F(3) of this Agreement.

6. The following provision shall pertain in the event an exchange seeks to replace an involuntarily delisted option during a period when a lottery has been called for under the procedures of paragraph F above but has not yet taken place: if such exchange submits to the arbitrator a proposed replacement selection after the date on which the arbitrator has provided the exchanges with copies of the selection lists submitted by the exchanges pursuant to subparagraph F (2) above, then the replacement selection may only be made from one of the securities which appears on the selection list of such exchange as submitted to the arbitrator.

H. No change.

I. No change.

[FR Doc. 82-637 Filed 1-8-82; 8:45 am]

BILLING CODE 8010-01-M

## SMALL BUSINESS ADMINISTRATION

### First Ohio Capital Corp.; Application for License To Operate as Small Business Investment Company (SBIC)

[Application No. 05/05-0163]

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1981)), under the name of First Ohio Capital Corporation, 606 Madison Avenue, Toledo, Ohio 43604, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 et

seq.) and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and shareholders of the Applicant are as follows:

Name and address	Title and relationship	Percent of ownership
John T. Rogers, 4106 Robinhood Lane, Toledo, Ohio 43623.	President and Director.	0
James P. Silk, 4502 Paddington, Toledo, Ohio 43623.	Secretary and Treasurer.	0
Thomas O. Messinger, 2560 Key Street 1B, Toledo, Ohio 43614.	Treasurer	0
Michael W. White, 5735 Denbridge Drive, Sylvania, Ohio 43560.	General Manager	0
Charles L. McKelvie, Jr., 28503 East River Road, Perrysburg, Ohio 43551.	Director	0
David W. Ridenour, 2281 Carriage Drive, Toledo, Ohio 43615.	Director	0
Leonard J. Scott, 6744 Denbridge Drive, Sylvania, Ohio 43560.	Director	0
First Ohio Bancshares, Inc., 606 Madison Avenue, Toledo, Ohio 43604.	Parent Company	100

The Applicant will begin operations with \$1,000,000 of private capital derived from the sale of 500 shares to First Ohio Bancshares, Inc. First Ohio Bancshares, parent corporation of First National Bank of Toledo, has 25 Banking branches in the Toledo, Ohio area.

The Applicant will conduct its operations in the States of Ohio and Michigan.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness in accord with the Act and Regulations.

Notice is hereby given that any person may, not later than January 26, 1982, submit written comments on the proposed company to the Acting Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Toledo, Ohio.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: December 30, 1981.

Arthur E. Armstrong,  
Acting Deputy Associate Administrator for Investment.

[FR Doc. 82-569 Filed 1-8-82; 8:45 am]

BILLING CODE 8025-01-M

**[Declaration of Disaster Loan Area No. 2020]**

**Puerto Rico; Declaration of Disaster Loan Area**

Arecibo, Bayamon, Camuy, Dorado, Fajardo, Florida, Hatillo, Manati, San Juan, Toa Alta, Toa Baja, Vega Alta, and Vega Baja Municipalities within the Commonwealth of Puerto Rico constitute a disaster area as a result of heavy rains and flooding which occurred on December 11-15, 1981. Eligible persons, firms and organizations may file applications for physical loss loans until March 1, 1982 and for economic injury loss loans until the close of business on September 30, 1982 at: Small Business Administration; District Office, Federal Building, Room 691; Carlos Chardon Avenue, Hato Rey, Puerto Rico 00919; or other locally announced locations.

Interest rates for applicants filing for assistance under this declaration are as follows:

	Per- cent
Homeowners with credit available elsewhere	16
Homeowners without credit available elsewhere	8
Businesses with credit available elsewhere	15½
Businesses without credit available elsewhere	8
Businesses (EIDL) without credit available elsewhere	8

Information on recent statutory changes (Pub. L. 97-35, approved August 13, 1981) is available at the above-mentioned office.

It should be noted that assistance for agricultural enterprises is the primary responsibility of the Farmers Home Administration as specified in Pub. L. 96-302.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: December 30, 1981.

Robert A. Turnbull,  
Acting Administrator.

[FR Doc. 82-568 Filed 1-8-82; 8:45 am]

BILLING CODE 8025-01-M

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**Indemnification of Contractors Who Participate in the Federal Aviation Administration's Computer Replacement Program**

**Correction**

In FR Doc. 81-36607 appearing on page 62596, in the issue of Thursday, December 24, 1981, make the following correction.

On page 62597, first column, twenty-first line from the bottom of the page, the first word reading "usually" should read "unusually".

BILLING CODE 1505-01

**Federal Highway Administration**

**[FHWA Docket No. 82-1]**

**Interstate Resurfacing, Restoration, Rehabilitation, and Reconstruction (4R) Program**

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

**ACTION:** Notice and request for comments.

**SUMMARY:** This notice provides information on implementation of the new Post-Interstate Construction Program (Resurfacing, Restoration, Rehabilitation, and Reconstruction (4R)) established by the Federal-Aid Highway Act of 1981 and the limited applicability of prevailing rate of wage requirements to that program. Public comments are requested.

**DATE:** Comments must be received on or before March 12, 1982.

**ADDRESS:** Submit written comments, preferably in triplicate to the Federal Highway Administration, FHWA Docket No. 82-1, Room 4205, HCC-10, 400 Seventh Street, SW., Washington, D.C. 20590. All comments received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m. ET, Monday through Friday. Those persons desiring notification of receipt of comments must include a self-addressed, stamped postcard.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Sanford P. LaHue, Office of Highway Operations, 202-426-0340; or Mr. Hugh T. O'Reilly, Office of the Chief Counsel, 202-426-0780, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. and 4:15 p.m. ET, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** The Federal-Aid Highway Act of 1981 was signed into law by the President on December 29, 1981. Under this law, a new Post-Interstate Construction Program is established which includes reconstruction as an eligible item for Federal-aid highway funding. Accordingly, the new program encompasses resurfacing, restoration, rehabilitation, and reconstruction (4R) projects.

Reconstruction, as provided for by the Federal-Aid Highway Act of 1981, includes, but is not limited to, the

addition of travel lanes, interchanges, and overcrossings not included in the Interstate cost estimate and added to existing Interstate routes.

Reconstruction also includes work on the Interstate System which was originally included as an eligible item for construction but has yet to be undertaken.

In accordance with the provisions of Federal-aid highway law incorporated in title 23 of the United States Code (23 U.S.C.), the FHWA has apportioned the Interstate 4R funds authorized for fiscal year 1983 by the Federal-Aid Highway Act of 1981. The apportionments were made to the States, the District of Columbia, and the Commonwealth of Puerto Rico and were effective December 31, 1981. Accordingly, Interstate 4R funds are now available for obligation.

The FHWA previously determined that the prevailing rate of wage requirements of 23 U.S.C. 113 do not apply to resurfacing, restoration, and rehabilitation projects (46 FR 26735, May 14, 1981). The establishment of the new Post-Interstate Construction Program required the FHWA to define the applicability of 23 U.S.C. 113 to projects funded under this new program. Accordingly, the following information has been provided to the States in order to provide for the timely implementation of post-Interstate construction (4R) projects:

a. Wage rates established by the United States Department of Labor in accordance with the Davis-Bacon Act and required by 23 U.S.C. 113 to be used for initial construction projects on the Federal-aid highway systems shall not be incorporated in post-Interstate construction (4R) project contracts, except for those projects that provide for new construction. New construction for the purposes of this determination shall be projects which add new facilities to the existing roadway. This work would include such things as the addition of travel lanes, interchanges, grade separations, rest areas, or truck weigh stations.

b. The provisions of 23 U.S.C. 113 normally should not apply to post-Interstate construction (4R) projects where the work accomplished does not provide any new facilities as such projects are not included within the term "initial construction." These projects would normally provide for resurfacing, restoration, or rehabilitation of facilities that are already in place or incidental construction such as landscaping or guardrail.

c. When an Interstate 4R project consists of a combination of the work described in a. and b. above, 23 U.S.C.

113 is applicable if the new construction described in a. above is estimated to represent at least 50 percent of the cost of the total project.

Interested persons are invited to submit written comments on the information contained in this notice. Comments will be considered by the FHWA in determining the need for future revisions to the Post-Interstate Construction Program.

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

Issued on January 5, 1982.

**R. A. Barnhart,**  
Federal Highway Administrator.

[FR Doc. 82-543 Filed 1-8-82; 8:45 am]

**BILLING CODE 4910-22-M**

### Office of the Secretary

[Notice No. 82-1]

#### Transfer of Services From Washington National Airport; Meeting

**AGENCY:** Office of the Secretary, DOT.

**ACTION:** Notice of meetings.

**SUMMARY:** In conformity with Order 81-12-49 of the Civil Aeronautics Board (CAB Docket 39781), the Department of Transportation/Federal Aviation Administration (DOT/FAA) will be holding public meetings with interested persons to discuss the shift of air carrier services from over-utilized Washington National Airport (National) to Dulles International and Baltimore Washington International Airports. Printed below is a letter mailed to several hundred air carriers, commuter air carriers, and certain other interested persons and governmental entities that are parties to CAB Docket 39781. The letter provides details concerning the background and procedures for the meetings to be held.

**TIMES AND DATES:** 10:00 A.M., Tuesday, January 26, 1982, and 10:00 A.M., Tuesday, February 16, 1982.

**PLACE:** Room 2230, DOT Headquarters Building, 400 Seventh Street, S.W., Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:** Gregory Wolfe, Department of Transportation, C-10, 400 Seventh Street, S.W., Washington, D.C. 20590, Telephone: (202) 426-4710.

#### SUPPLEMENTARY INFORMATION:

Letter Mailed to All Air Carriers and to All Parties in CAB Docket 39781

"To All Parties on the Enclosed Service List (list not published):

Re: *Discussions on the Transfer of Services Out of Washington National Airport—CAB Docket 39781*

On December 15, the Civil Aeronautics Board served its decision on the Petition of Dulles Policy Task Force for discussion authority and antitrust immunity in Docket No. 39781, Order 81-12-49 (copy enclosed) [but not published]. Though denying the original petition, the Board granted a petition of four air carrier intervenors, U.S. Air, Midway, Piedmont, and Republic. Thus, the Board has granted the authority to discuss the transfer of services out of Washington National Airport ("National").

The Department of Transportation/Federal Aviation Administration ("DOT/FAA") filed in support of the initial petition because of the importance of relieving the excessive demand for operations at National. In its Order, the Board did not designate any party to conduct these meetings, but expressed the hope that DOT/FAA and other parties would participate. Counsel for the four carriers whose request for discussion authority and antitrust immunity was granted, as well as counsel for the Dulles Policy Task Force, have urged DOT/FAA to conduct the discussions, which we feel is appropriate in view of our position as proprietor of both airports.

Therefore, in accordance with the terms of the Order, the following procedures will apply:

- Through this letter, air carriers, commuter air carriers, and all parties to CAB Docket 39781 are invited to attend discussion meetings. In accordance with the Order, the meetings will be open to the public.

- Carriers and other parties are invited to submit suggestions as to the procedural format for these discussions, to suggest substantive issues for discussion, and to indicate what types of data will be most useful. These suggestions should be mailed to me at the United States Department of Transportation, Washington, D.C. 20590, or hand-delivered to Room 10428, 400 Seventh Street, S.W., Washington, D.C. They should be submitted on or before January 15, 1982, and copies should be served upon all parties appearing on the enclosed service list.

- A preliminary meeting to determine the scope of the discussions and to resolve any procedural issues will be held at the DOT Headquarters, 400 Seventh Street, S.W., Washington, D.C. in Room 2230, at 10:00 A.M. on Tuesday, January 26, 1982. A summary of this meeting will be provided to all parties.
- A full session will be held at the Department commencing on Tuesday, February 16, at the same time and place, and continuing as long as the attendees deem necessary or desirable.

- The Secretary will designate a representative to chair the meetings.

Secretary Lewis and FAA Administrator Helms are both committed to the success of these discussions. They believe that an agreement to shift substantial number of flights out of National, either to Dulles International or Baltimore Washington International Airports, will relieve the strain caused by excessive demand, and thus will permit more competition in all air services to

and from the Washington area. We hope that the cooperation of all parties will accomplish these goals.

Any questions about the proposed meetings should be directed to Gregory Wolfe, an attorney on my staff, who can be reached at 202-426-4710.

Sincerely,

John M. Fowler,  
General Counsel.

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

John M. Fowler,  
General Counsel.

[FR Doc. 82-592 Filed 1-8-82; 8:45 am]

BILLING CODE 4910-62-M

## Research and Special Programs Administration

### [Inconsistency Ruling IR-4]

#### State of Washington House Bill No. 1870 Governing Requirements for Red or Red Bordered Shipping Papers for Hazardous Materials

*Applicant:* National Tank Truck Carriers, Inc. (NTTC).

*State Law Affected:* Revised Code of Washington (RCW) 81.29.020 and Washington Administrative Code (WAC) 480-12-195.

*Applicable Federal Requirements:* Hazardous Materials Transportation Act (HMTA), sections 102-107, and 109; 49 U.S.C. 1802 and following; and Parts 171-173, 177-178 of the Hazardous Materials Regulations (HMR) (49 CFR Parts 171-179).

*Mode Affected:* Highway.

*Issue Date:* State law: July 1, 1980; implementing regulations: August 7, 1980.

*Ruling:* The State law and implementing regulations are inconsistent with the HMTA as implemented by regulations issued thereunder.

*Summary:* This inconsistency ruling is the opinion of the Materials Transportation Bureau (MTB) concerning whether a portion of RCW 81.29.020 and WAC 480-12-195 are inconsistent with the HMTA or regulations issued thereunder and, therefore, preempted under section 112(a) of the HMTA. This ruling was applied for and is issued pursuant to procedures at 49 CFR 107.201-107.209.

#### FOR FURTHER INFORMATION CONTACT:

W. C. Morgan, Office of Regulatory Planning and Analysis, DMT-60, Materials Transportation Bureau, Research and Special Programs Administration, Washington, D.C. 20590. Telephone: (202) 472-2698.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

##### A. Application of the National Tank Truck Carriers, Inc.

On March 3, 1980, the Legislature of the State of Washington gave final approval to House Bill No. 1870. The legislation, which was enacted as Chapter 132, Laws of 1980, amended RCW 81.29.020 (among other provisions not pertinent to this matter). This provision of Washington law requires "Any common carrier receiving property for transportation wholly within the State of Washington from one point in the State of Washington to another point in the State of Washington" to issue bills of lading for such property, and sets forth liability responsibilities of such common carriers. The legislation required that:

If the receipt, manifest or bill of lading is for hazardous materials, as defined in 49 CFR Part 172, transported by motor vehicle upon the public highways of the state, it shall be red in color or shall have a red border. Red bills of lading, receipts or manifests or red bordered bills of lading receipts or manifests shall only be used for transportation of hazardous materials as defined in 49 CFR Part 172.

This legislative requirement (the State Requirement) thus affected the color of a shipping paper, which is defined in 49 CFR 171.8 as a shipping order, bill of lading, manifest, or other shipping document serving a similar purpose.

On July 1, 1980, the NTTC, as a national and international trade association of the for-hire tank truck industry, petitioned the Administrator of the Research and Special Programs Administration (RSPA), U.S. Department of Transportation (DOT), Washington, D.C. The petition requested an inconsistency ruling, averring that the State Requirement was inconsistent with and, therefore, preempted by the HMTA, Pub. L. 93-633, 49 U.S.C. 1801-1812, 49 CFR Parts 170-179.

RSPA received comments on the petition from the Office of the Attorney General, State of Washington, on September 10, 1980. The petition for inconsistency ruling was published in the *Federal Register* for public comment on November 3, 1980 (45 FR 72855). In response to that invitation, comments were received from five industry trade associations and two corporations involved in transportation and affected by the State Requirement. All commenters, with the exception of the Attorney General, State of Washington, asserted that the State Requirement is inconsistent with the HMTA and associated regulations. Nearly all commenters stressed the need for uniform and consistent regulations. A

few commented on alleged redundancy of regulations. Most commenters believed that an additional, unnecessary burden would be placed on commerce should these regulations be allowed to stand. Several commenters relied on a previous administrative ruling, Inconsistency Ruling (IR-2), "State of Rhode Island Rules and Regulations Governing the Transportation of Liquefied Natural Gas and Liquefied Propane Gas Intended to be Used by a Public Utility", (44 FR 75566, Dec. 20, 1979) affirmed (45 FR 71881, Oct. 30, 1980). Since this notice was published for comment, MTB has also issued another Inconsistency Ruling (IR-3), "City of Boston Rules Governing Transportation of Certain Hazardous Materials by Highway Within the City", (FR 18918, Mar. 26, 1981). Where appropriate, these comments and previous administrative decisions will be discussed in this ruling.

##### B. General Authority and Preemption under the HMTA

With certain exceptions, the HMTA imposes obligations to act only on the Secretary of Transportation. Obligations are imposed on members of the public only by substantive regulations issued under the HMTA. Known as the Hazardous Materials Regulations (HMR), they are codified at 49 CFR Parts 170-179, and mostly predate the HMTA. The HMR previously were authorized by the Explosives and Other Dangerous Articles Act (18 U.S.C. 831-835), which was repealed in 1979. (Pub. L. 96-129, Nov. 30, 1979). The HMTA was enacted on January 3, 1975 and the HMR were reissued under its authority, effective January 3, 1977 (41 FR 39175, Sept. 9, 1976). Subsequent amendments to the HMR have been issued under the authority of the HMTA and with the preemptive effect granted by that Act.

With regard to highway transportation of hazardous materials, the HMR apply to persons who offer these materials for transportation (shippers), those who transport the materials (carriers), and those who manufacture and retest the packagings and other containers intended for use with the materials. The scope of transportation activity affected includes the packaging of shipments of hazardous materials, package markings (to show content) and labeling (to show hazard), vehicle placarding (to show hazard), handling procedures, such as loading and unloading requirements, care of vehicle and lading during transportation, and the preparation and use of shipping papers to show the identity, hazard class and amount of each hazardous

material being shipped. The HMR also require carriers to report in writing to DOT any unintentional release of a hazardous material during transportation. In some cases, an immediate report must be made in addition to the subsequent written report.

A discussion of the preemptive effects of the HMTA appears in previous inconsistency rulings. The discussions in IR-2 and IR-3 are extracted and summarized here.

The HMTA at section 112(a) (49 U.S.C. 1811(a)) preempts "any requirement of a State or political subdivision thereof, which is inconsistent with any requirement set forth in (the HMTA) or regulations issued under (the HMTA)." This express preemption provision makes it evident that Congress did not intend the HMTA and its regulations to completely occupy the field of transportation so as to preclude any State or local action. The HMTA preempts only those State and local requirements that are "inconsistent."

In 49 CFR Part 107, Subpart C, the MTB has published procedures by which a State or political subdivision thereof having a requirement pertaining to the transportation of hazardous materials, or any person affected by the requirement may obtain an administrative ruling as to whether the requirement is inconsistent with the HMTA or regulations under the HMTA. At the time these procedures were published, the MTB observed that "the determination as to whether a State or local requirement is consistent or inconsistent with the Federal statute or Federal regulations is traditionally judicial in nature." (41 FR 38167, Sept. 9, 1976) There are two principal reasons for providing an administrative forum for such a determination. First, an inconsistency ruling provides an alternative to litigation for a determination of the relationship of Federal and State or local requirements. Second, if a State or political subdivision requirement is found to be inconsistent such a finding provides the basis for an application for a determination by the Secretary of Transportation as to whether preemption will be waived (49 U.S.C. 1811(b); 49 CFR 107.215-107.225).

Since the proceeding here is conducted pursuant to the HMTA, the MTB will consider only the question of statutory preemption. A Federal court may find a State requirement not statutorily preempted, but, nonetheless, preempted by the Commerce Clause of the U.S. Constitution because of an undue burden on interstate commerce. However, the Department of

Transportation does not make such determinations. Also, under earlier legislative authority, the applicability of the HMR was statutorily limited to carriers in interstate and foreign commerce and their shippers, and did not apply to carriers in wholly intrastate commerce and their shippers. Although the HMTA at section 103(1) (49 U.S.C. 1802(1)) authorizes application of its regulation to intrastate commerce that affects interstate commerce, the MTB has exercised this expanded jurisdiction only on a case-by-case basis (e.g., hazardous wastes and hazardous substances). However, laws and regulations of States and political subdivisions applying to intrastate carriers may be preempted, notwithstanding the fact that the Department of Transportation normally does not regulate such carriers, if the laws and accompanying regulations are found to be inconsistent with the HMTA. We recognize that in IR-3 we stated that "Any preemptive effect attributed to the HMTA in an inconsistency ruling is limited to preemption of State or local requirements as they apply to persons currently subject to the Hazardous Materials Regulations" (46 FR 18919, March 26, 1981). However, that statement is limited to the facts of that particular ruling wherein application of the challenged City of Boston rules to intrastate carriers was not at issue.

Given the judicial character of the inconsistency ruling proceeding, the MTB has incorporated case law criteria for analyzing preemption issues into the preemption procedures at 49 CFR 107.209(c):

(1) Whether compliance with both the (State or local) requirement and the Act or the regulations issued under the Act is possible; and

(2) The extent to which the (State or local) requirement is an obstacle to the accomplishment and execution of the Act and the regulations issued under the Act.

The first criterion is the dual compliance or direct conflict test and concerns those State or local requirements that are incongruous with Federal requirements; that is, compliance with the State or local requirement causes the Federal requirement to be violated, or vice versa. The second criterion, in a sense, subsumes the first and concerns those State or local laws that, regardless of conflict with a Federal requirement, stand as "an obstacle to the accomplishment and execution of the (HMTA) and the regulations issued under the (HMTA)." In determining whether a State or local requirement

presents such an obstacle, it is necessary to look at the full purposes and objectives of Congress in enacting the HMTA and the manner and extent to which those purposes and objectives have been carried out through the MTB's regulatory program.

In enacting the HMTA, Congress recognized that the Department of Transportation's efforts in hazardous materials transportation regulation lacked coordination by being divided among the various transportation modes, and lacked completeness because of gaps in DOT's authority, most notably in the area of manufacturing and preparation of packagings used to transport these materials. In order to "protect the Nation adequately against the risks to life and property which are inherent in the transportation of hazardous materials in commerce" (49 U.S.C. 1802), Congress consolidated and expanded the Department's regulatory and enforcement authority.

Specifically with respect to the preemption provision, the legislative history of this provision indicates that Congress intended it "to preclude a multiplicity of State and local regulations and the potential for varying as well as conflicting regulations in the area of hazardous materials transportation" (S. Rep. No. 1192, 93rd Cong., 2nd Sess. 37 (1974)).

## II. Ruling

The first consideration in this inconsistency ruling is to determine whether compliance with both the State Requirement and the HMTA and its regulations is possible. The Department received numerous comments that compliance with both the Federal and the Washington State requirements would be costly and inconvenient. While these factors would be relevant to an examination of whether the requirement imposes an undue burden on interstate commerce, they do not establish that it is impossible to comply with both the Federal and the State requirements. I therefore find that the requirement is not inconsistent under the "dual compliance test."

The second consideration is whether the State of Washington requirement is an obstacle to the accomplishment and execution of the HMTA and the regulations issued under it. For a number of reasons, I find that the red or red bordered shipping paper requirement is such an obstacle.

The principal reason for finding the requirement to be an obstacle is that drivers and emergency response personnel (fire and police) may tend to

place exclusive reliance on the presence of a red border for determining whether a shipment contains hazardous materials, thereby failing to take note of the Federally mandated scheme for describing hazardous materials on shipping papers. This description, set forth in Subpart C. Shipping Papers, 49 CFR 172.201, requires that when a hazardous material and a material not subject to the requirements of the subchapter are entered on a shipping paper, the hazardous material entry must include the proper shipping name, the hazard class, the UN identification number, and the total quantity of the material and must be: (1) Entered first; (2) entered in a contrasting color or highlighted; or (3) identified by placing an "X" or an "RQ" (Reportable Quantity) in the column marked "HM" (Hazardous Materials). Any or all of these three methods of identification must be used by a shipper to identify hazardous materials packaged for shipment. This hazard warning system already is in use by the State of Washington through its adoption of Federal regulations for hazardous materials. Failure to take note of these identifications through misplaced reliance on the color of the shipping paper or its border might result in the use of inappropriate emergency response techniques, which could lead to substantially greater risks to the emergency response personnel and to the public. Since the primary purpose of the HMTA is to enhance public safety, such a result would clearly create an obstacle to its accomplishment.

A second reason for finding the State of Washington law to be inconsistent is that section 112 of the HMTA requires that State and local requirements be preempted where uniformity is necessary for a national regulatory scheme. As we said in a previous inconsistency ruling:

However, certain areas of transportation safety demand a strong, predominant Federal role. In the HMTA's Declaration of Policy and in the Senate Committee language reporting out what became section 112 of the HMTA, Congress indicated a desire for uniform national standards in the field of hazardous materials transportation and with the HMTA gave the Department of Transportation the authority to promulgate these standards. Although the HMTA has not totally precluded State or local action in this area, it is the MTB's opinion that to the extent possible Congress intended to make such State or local action unnecessary. The comprehensiveness of MTB Hazardous Materials regulations severely restricts the historical scope of permissible State or local activity. The nature, necessity and number of hazardous materials shipments make uniform standards extremely important. IR-2, 44 FR 75568, Dec. 20, 1979.

Nationwide regulations do not address particular local safety hazards and States may regulate consistently for this purpose. However,

There are certain areas where the need for national uniformity is so crucial and the scope of Federal regulation is so pervasive that it is difficult to envision any situation where State or local regulation would not present an obstacle to the accomplishment and execution of the HMTA and the Hazardous Materials Regulations . . . Hazard warning systems are another area where MTB perceives the Federal role to be exclusive. The MTB has thoroughly considered this subject and has issued regulations on marking and labeling of packages and placarding of vehicles in order to communicate the hazards of the materials contained therein. The effectiveness of these systems depends to a large degree on educating the public, especially emergency response personnel. IR-2, 44 FR 75568.

The HMR shipping paper requirements also establish a hazard warning system, and the above reasoning applies equally to them.

In fact, color coding of shipping papers is the type of requirement which DOT might have promulgated in developing its nationwide system of hazardous materials identification, but such a requirement has been considered and rejected. In Hazardous Materials Docket 103(HM 103), the Hazardous Materials Regulation Board, the predecessor to MTB, actively considered publication of a standardized form called a "Hazardous Materials Manifest", which would have been highlighted by diagonal red stripes to emphasize its presence and contents. During a public hearing held February 11, 1975, the color scheme of the manifest was widely rejected. One of the principal reasons cited for rejection of this scheme was the recognition that shippers and carriers of hazardous materials also handle nonhazardous materials, and that a shipping paper requirement that mandated the use of different colors for hazardous and nonhazardous materials would be unnecessarily costly. Instead, the MTB decided to make the shipping papers easily accessible in case of an accident or inspection by clearly distinguishing the hazardous materials shipping papers through: (1) Tabbing them; (2) having them appear first if carried with other shipping papers; and (3) storing them within the immediate reach of the driver. See 49 CFR 177.817, Shipping Papers. Therefore, not only are shipping paper requirements the type of requirements for which national uniformity is essential, but in adopting its uniform system, DOT considered and rejected the type of requirement imposed by Washington State.

The State's principal argument in response to the petition for and inconsistency ruling is that the HMTA applies only to interstate commerce and commerce affecting interstate commerce, that the State Requirement applies only to intrastate commerce, and that the petitioner has not demonstrated that the State Requirement affects interstate commerce. Therefore, the State concludes, the State Requirement is, in effect, beyond the scope of the preemption provision of the HMTA. For a number of reasons, the MTB disagrees with this position.

First, the State's assertion that the HMR do not apply to intrastate shipments is incorrect. It is well established that the HMR apply to wholly intrastate shipments by interstate carriers. (*United States v. Oilfields Trucking Company*, 549 F.2d 646 (1977)). It is also well established that, for purposes of the application of the HMR, a carrier is an interstate carrier if it engages in interstate commerce even on an infrequent or irregular basis. Finally, a carrier that operates strictly within the confines of one State but carries interstate shipments within the vehicle is engaged in interstate commerce.

Therefore, to the extent the State Requirement applies to intrastate shipments that are subject to the HMR, it overlaps and is clearly inconsistent with the HMR's.

Second, as the State recognizes, the HMTA authorizes the regulation of intrastate commerce that affects interstate commerce, and this authority has been exercised on a selective basis. For example, as a result of mandates in the Clean Water Act and the Resource Conservation and Recovery Act, the Department, in a joint effort with the Environmental Protection Agency, has extended the applicability of the HMR to cover the transportation by motor vehicle of hazardous substances and hazardous wastes in both interstate and intrastate commerce. 49 CFR 171.1(a). Therefore, to the extent the State Requirement applies to interstate or intrastate carriers of hazardous substances or hazardous wastes, as defined in the HMR, it overlaps and is clearly inconsistent with the HMR.

Finally, it should be noted that, for purposes of preemption, Section 112(a) of the HMTA does not distinguish between requirements applying solely to intrastate commerce and requirements applying to interstate commerce: "any requirement, of a State or political subdivision thereof, which is inconsistent with any requirement set forth in this title, or in a regulation

issued under this title, is preempted." (Emphasis added.) Given the previous discussion of the importance of national uniformity regarding hazardous materials hazard warning systems, and in light of the extent to which the HMR already apply to the intrastate movement of hazardous materials, I find that the application of the State Requirement to the remaining intrastate commerce which is not currently subject to the Federal regulations would tend to create confusion for those who must rely on the Federal hazard warning systems and would therefore be an obstacle to the accomplishment and execution of the HMTA. This is not to suggest that the State cannot adopt and enforce hazardous materials transportation hazard warning requirements, but, if it chooses to do so, the overall impact of its requirements must be consistent with the HMTA. RCW 81.29.020, prior to the adoption of the State Requirement, was such a consistent requirement.

The State also argues that, even if its requirement is deemed to be inconsistent, it is entitled to a nonpreemption determination pursuant to section 112(b) of the HMTA (49 U.S.C. 1811(b)). The MTB's regulations provide that nonpreemption determinations are to be made in a proceeding which is separate and independent from the inconsistency ruling process (49 CFR 170.215, et seq.). Consequently, the merits of the State's argument will not be addressed in this ruling.

### III. Conclusion

For these reasons, I find that the State of Washington law is an obstacle to the accomplishment of the HMTA and its regulations. It is, therefore, our opinion that RCW 81.29.020 and WAC 480-12-195 are inconsistent with the HMTA and its regulations and, in accordance with section 112(a) of the HMTA, are preempted. Any appeal to this ruling

must be filed within 30 days of service in accordance with 49 CFR 107.211.

(49 U.S.C. 1811(a), 49 CFR 107.209)

Issued in Washington, D.C. on January 4, 1982.

**Alan I. Roberts,**

*Associate Director, Office of Hazardous Materials.*

[FR Doc. 82-653 Filed 1-8-82; 8:45 am]

BILLING CODE 4910-60-M

## Urban Mass Transportation Administration

### New Bus Equipment Introduction Program

#### Correction

In FR Doc. 81-36713 appearing on page 62599 in the issue for Thursday, December 24, 1981, make the following correction:

Under **For Further Information Contact**, the phone number for John Marino now reading "(202) 526-4035" should have read "(202) 426-4035".

BILLING CODE 1505-01-M

## DEPARTMENT OF THE TREASURY

### Bureau of Alcohol, Tobacco and Firearms

[Notice No. 81-6]

#### Environmental Assessment of Polyethylene Terephthalate (PET) for Use as Liquor Bottles

**AGENCY:** Bureau of Alcohol, Tobacco and Firearms, Treasury.

**ACTION:** Notice of intent to prepare environmental assessment.

**SUMMARY:** The Bureau of Alcohol, Tobacco and Firearms (ATF) announces its intention to prepare an environmental assessment of Polyethylene Terephthalate (PET) as a

material for use in the manufacture of liquor bottles.

**DATE:** Relevant information may be sent to the address below by February 10, 1982.

**ADDRESS:** Environmental Quality Officer, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, Attention: Room 6216-PET.

#### FOR FURTHER INFORMATION CONTACT:

Ray Conrad, Special Operations Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226 (202-566-7591).

#### SUPPLEMENTARY INFORMATION:

In recognition of National Environmental Policy Act (NEPA) requirements, ATF intends to prepare an environmental assessment of Polyethylene Terephthalate (PET) as a material for use in the manufacture of liquor bottles. The Bureau is acting in response to petitions from industry members requesting approval of PET for such use.

A substantial amount of data has previously been submitted which ATF can make reference to in preparing the assessment. Also, Environmental Impact Statements prepared by the Food and Drug Administration (Plastic Bottles for Carbonated Beverages and Beer, September, 1976) and ATF (Polyvinyl Chloride Liquor Bottles, March, 1973) are available for reference in this matter. However, if interested individuals or organizations wish to furnish additional relevant information on this issue, ATF will carefully review the additional data before preparing the environmental assessment of PET.

Signed: December 11, 1981.

**G. R. Dickerson,**  
*Director.*

[FR Doc. 82-666 Filed 1-8-82; 8:45 am]

BILLING CODE 4810-31-M

# Sunshine Act Meetings

Federal Register

Vol. 47, No. 6

Monday, January 11, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

### CIVIL AERONAUTICS BOARD

[M-340 Amdt. 2, January 6, 1982]

Addition and closure of item to the January 7, 1982 board meeting.

**TIME AND DATE:** 10 a.m. (closed), 2 p.m. (open), January 7, 1982.

**PLACE:** Room 1012 (closed), room 1027 (open), 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

**SUBJECT:** 4c. Board discussion of FY82 Budget Cuts. (OGC)

**STATUS:** 1-4c (closed), 5-24 (open).

**PERSON TO CONTACT:** Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-34-82 Filed 1-7-82; 3:44 pm]

**BILLING CODE 6320-01-M**

2

### CIVIL AERONAUTICS BOARD

[M-340 Amdt. 1, January 6, 1982]

Addition and Closure of Items to the January 7, 1982 Board Meeting

**TIME AND DATE:** 10: a.m./ (closed), 2 p.m. (open) January 7, 1982.

**PLACE:** Room 1012 (closed) room 1027 (open), 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

#### SUBJECT:

3a. Docket 33068, *Transpacific Low-Fare Route Investigation (Japan Phase):* Partial Order on Reconsideration. (Memo 166-E, OGC)

4a. Negotiations with Brazil Scheduled to begin January 27-28, 1982 in Washington, D.C. (BIA)

4b. Dockets 40172 and 40218, Lufthansa Complaints against Pan American's U.S.-Germany "two-for-one pass" and special normal economy fares. (Memo 1015, BIA)

**STATUS:** 1-4 Closed, 5-24 open.

**PERSON TO CONTACT:** Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-35-82 Filed 1-7-82; 3:44 pm]

**BILLING CODE 6320-01-M**

3

### FEDERAL COMMUNICATIONS COMMISSION

The Federal Communications Commission will hold a Closed Meeting on the subjects listed below on Wednesday, January 13, 1982, following the Open Meeting which is scheduled to Commence at 9:30 A.M. Room 856, at 1919 M Street, NW., Washington, D.C.

#### Agenda, Item No., and Subject

Complaints and Compliance—1—Request by Curran Communications, Inc. for reconsideration of Commission's letter of admonition issued to Radio Station WPAM, Pottsville, Pennsylvania

Hearing—1—Petition for Reconsideration of a Memorandum Opinion and Order issued by the Chief, Common Carrier Bureau, which designated for hearing applications filed by Tel-Car, Inc. for two additional DPLMRS frequencies at Pocatello, Idaho and Albion, Idaho. (CC CC D-81.465-66)

Hearing—2—Authorized Interlocutory Appeal in the Brownfield, Texas, FM Comparative Proceeding (BC Docket Nos. 81-164 and 81-165)

Hearing—3—Petition for Reconsideration and Motion to Hold Approval of Distress Sale in Abeyance Pending Reconsideration in the Tupelo, Mississippi AM radio renewal proceeding (Docket No. 21430)

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen P. Peratino, FCC Public Affairs Office, Telephone number (202) 254-7674.

Issued: January 6, 1982.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-28-82 Filed 1-11-82; 8:45 am]

**BILLING CODE 6712-01-M**

4

### FEDERAL COMMUNICATIONS COMMISSION

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Wednesday, January 13, 1982, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, NW., Washington, D.C.

#### Agenda, Item No., and Subject

General—1—*Title:* Notice of Proposed Rule Making to provide regulatory recognition for power line carrier operations in the bands 10-490 kHz. *Summary:* The Commission will consider whether to adopt a Notice of Proposed Rule Making to amend Parts 2, 15 and 90 of the Rules to establish new regulations concerning power line carriers. Power line carrier systems are designed to provide protection and control for the electric transmission systems which supply the nations electrical power needs. The action considers if the establishment of a new Footnote is needed for power line carrier use of the 10-490 kHz band and proposes the institution of a notification procedure and associated data base to interface operations with licensed users of the band.

General—2—*Title:* Hampton Roads/Cinciotta criteria for reimbursement in drop-out agreements. *Summary:* Commission considers standards that should apply in reimbursing applicants withdrawing pursuant to a drop-out agreement.

General—3—*Title:* In re SS Docket 79-18 for amendment of Parts 2, 22 and 94 of the FCC's Rules and Regulations. *Summary:* The Utilities Telecommunications Council filed a petition for rule making requesting reallocation of certain 900 MHz frequencies for use in distribution automation and other multiple-address systems. Telocator Network of America filed comments in this proceeding indicating a similar need for common carrier wide-area and multi-city paging services. The frequencies involved are presently either reserved or allocated to the Private Operational-Fixed Microwave Service and the International Control Services. The Commission issued a Third Notice on January 14, 1981, proposing the reallocation of forty-eight channels for multiple-address use. The item before the Commission discusses the public's response to the January action and the merits of the proposed actions.

General—4—*Title:* Report and Order implementing the Equal Access to Justice Act. *Summary:* The Commission will consider adopting rules to implement the Equal Access to Justice Act, 5 U.S.C. 504.

Private Radio—1—*Title:* Future Private Land Mobile Telecommunications Requirements. *Summary:* The Commission will consider

- whether to adopt a Notice of Inquiry to solicit comments and obtain information regarding the future trends and requirements of the Private Land Mobile Radio Services and the land mobile user community.
- Private Radio—2—Title:** Report and Order to implement changes in the frequency allotments to the Aeronautical Mobile (R) Service, and other technical specifications in the Aeronautical Mobile (R) Service in the band between 2850 and 22000 kHz adopted at the World Administrative Radio Conference, Geneva, 1978. *Summary:* The FCC will consider whether to amend the rules to finalize the frequency allotment plan for the Aeronautical Mobile (R) Service and some technical specifications adopted at the ITU World Administrative Radio Conference, Geneva, 1978.
- Private Radio—3—Title:** Amendment of Parts 81 and 83 of the Rules to enlarge the New Orleans VTS radio protected area. *Summary:* The Commission will decide whether or not to propose enlarging the New Orleans VTS radio protected area designated in the rules to 93 degrees west longitude.
- Private Radio—4—Title:** Application for Review of actions taken under delegated authority which denied the request of Stanley S. Hubbard for assignment of ship radio telephone call sign WA-2002 in lieu of its assigned call sign. *Summary:* The Commission will decide whether or not to grant the Application for Review.
- Private Radio—5—Title:** Report and Order concerning the general exemption from the radiotelegraph requirements for cargo vessels of 1600 gross tons and upward engaged on coastwise voyages. *Summary:* The Commission will consider granting a general exemption from the radiotelegraph requirements of the Communications Act to cargo ships of 1600 gross tons and upward when navigated on domestic voyages along the coasts of the contiguous 48 states. The ships will be required to have specific radiotelephone equipment for both terrestrial and satellite communications and also meet additional operational requirements.
- Common Carrier—1—Title:** Little Rock Radio Telephone Company, Inc. *Summary:* The Commission will consider whether the applications for new facilities to provide mobile telephone and paging services of Little Rock Radio Telephone Company, Inc., and Grant County Radio Telephone Company, Inc., and the renewal applications of Otis L. Hale d.b.a. Mobilphone Communication should be designated for hearing on qualifying and comparative issues.
- Common Carrier—2—Title:** Investigation of Western Union Telegraph Co., File No. ENF-80-2. *Summary:* The Commission will consider what action to take in an investigation related to Western Union's interconnection practices with international record carriers and its discounts to international record carrier for delivery of inbound international telegrams.
- Cable Television—1—Title:** Order relating to the collection of annual fees by the Commission from Cable Television Systems. *Summary:* In a 1974 decision the Supreme Court concluded that the system of collecting annual fees from cable television systems was beyond the authority of the Commission. The matter before the Commission would consider the deletion of rules relating to that fee collection process.
- Cable Television—2—Title:** "Direct Petition to the Commission for Reconsideration of Denial" (CSR-1904) filed August 4, 1981, by Keystone Cable-Vision Corporation. *Summary:* Keystone Cable-Vision Corporation seeks reconsideration of the denial of its petition for special relief by the Chief of the Cable Television Bureau pursuant to delegated authority on July 6, 1981.
- Renewal—1—Title:** Petition filed by the St. Louis Broadcast Coalition requesting reconsideration of the Commission's decision in *KSDK, Inc.*, 85 FCC 2d 797 (1981) which granted Station KSDK-TV's license renewal application. *Summary:* The Commission considers whether the allegations of employment discrimination against women and Blacks presented by the St. Louis Broadcast Coalition justify a reconsideration of its decision in *KSDK, Inc.*, 85 FCC 2d 797 (1981).
- Renewal—2—Title:** Petition to Deny the Renewal Application of Doubleday Broadcasting Co., Inc., for Station KWK, St. Louis, Missouri, by the St. Louis Broadcast Coalition. *Summary:* The Commission considers the St. Louis Broadcast Coalition's petition to deny the license renewal application of Doubleday Broadcasting for Station KWK in St. Louis, Missouri, for the licensee's alleged failure to meet promises made in a prior application concerning programming and minority employment.
- Renewal—3—Title:** Competing applications of Tele-Broadcasters of California, Inc. for renewal of license of Station KALI, San Gabriel, California and Life Broadcasting Company, Inc. for a construction permit. *Summary:* The Commission considers designating the mutually exclusive applications for hearing in a consolidated proceeding.
- Renewal—4—Title:** License renewal application of Washington Radio, Inc., for Station WTOP, Washington, D.C. *Summary:* Vivian Goodman filed a petition to deny the license renewal application for Station WTOP. The petition to deny charges that licensee engaged in discriminatory employment practices. The Commission considers petitioner's allegations.
- Renewal—5—Title:** License Renewal Applications of KQED, Inc., San Francisco, California. *Summary:* A number of local community organizations in San Francisco, including the Committee to Save KQED and the Community Coalition for Media Change, have filed petitions for reconsideration of the Commission's Order of May 14, 1980. That Order granted renewal to three San Francisco stations, KQED-FM, KQED-TV and KQEC-TV, licensed to KQED, Inc. The Commission now considers whether new facts presented by the petitioners warrant reconsideration. Also, the same community organizations have filed a petition to deny the present renewal applications of KQED, Inc. That petition is also considered.
- Aural—1—Title:** Application of Salter Broadcasting Company to change the facilities of AM station WFVR, Aurora, Illinois. *Summary:* The Commission considers whether to waive Section 73.37(a) of its Rules and accept the application for filing.
- Aural—2—Title:** Application for review of Commission denial of complaint filed by Mr. William J. Rueff, Jr. against existing operation of FM Station WKYU-FM, Western Kentucky University, Bowling Green, Kentucky. *Summary:* Mr. Charles Black has filed an application for review of the Broadcast Bureau action denying the above-referenced complaint.
- Television—1—Title:** Application of Clay Broadcasting Corporation for a construction permit for minor changes in the facilities of WWAY-TV, Channel 3, Wilmington, N.C. *Summary:* Eastern Carolinas Broadcasting Company, Inc. alleges that Clay's proposed move would cause "UHF impact" to WPDE-TV, Channel 15, Florence, S.C. The Commission will consider Eastern's informal objection to Clay's application and Eastern's motion to consolidate the application with those of four Charleston, S.C. stations.
- Television—2—Title:** Request by Ponce Television Corporation, licensee of Station WLWZ-TV, Ponce, Puerto Rico, for dual-city identification authority as "Ponce-San Juan." *Summary:* The Commission will consider oppositions to this request by Telemundo, Inc. and Puerto Rico Broadcasting, Inc.
- Broadcast—1—Title:** Reregulation and Rules Oversight of Radio and TV Broadcasting. *Subject:* Modification, clarification, elimination of updating or rules and policies as follows:
- Relaxing § 73.653, Operation of aural and visual TV transmitters responding to certain needs of STV licensees;
  - Eliminating station ID requirements for STV stations during scrambled programming;
  - Clarifying of 72 hour prior to election day proviso in political editorial rule.
  - Revising current Policy listings and adding new Policies:
- § 73.4065, Combination advertising rates; Joint sales practices;
  - § 73.4082, Comparative broadcast hearings—specialized programming formats;
  - § 73.4246, Stereophonic pilot subcarrier use during monophonic programming;
  - § 73.4247, STV: competing applications;
  - § 73.4267, Time brokerage.
- Broadcast—2—Title:** Reregulation and Rules Oversight of Radio and TV Broadcasting. *Summary:* Modification and clarification of rules pertaining to:
- Classes of AM broadcast channels.
  - Designation of new class of AM broadcast station as Class II-C.
- Broadcast—3—Title:** Petition for Reconsideration of Staff Denial of Petition

for Rule Making to Require that Agreements Between Broadcast Licensees and the Public Be Announced Over the Licensee's Station and Filed With the Commission. *Summary:* Petitioner seeks Commission reconsideration of the Broadcast Bureau's dismissal (under delegated authority) of its rule making petition.

**Broadcast—4—Title:** Petition for Reconsideration of the Commission's Report and Order in the Matter of Amendment of the Commission's Rules Concerning Program Definitions for Commercial Broadcast Stations by Adding a New Program Type, "Community Service" Program and Expanding the "Public Affairs" Program Category and Other Related Matters. *Subject:* Memorandum Opinion and Order considers and resolves the issues raised in a petition for reconsideration of the Commission's Report and Order in this proceeding (BC Docket No. 78-335).

**Broadcast—5—Title:** Amendment of Subparts E and F of Part 74 to provide for the operation of microwave boosters.

*Summary:* The FCC considers proposing rules to govern the operation of microwave boosters to relay the transmissions of aural broadcast studio-transmitter link and intercity relay stations, and TV auxiliary broadcast stations in response to a petition for rule making filed by Marit Electronics, Inc. (RM-2500).

**Broadcast—6—Title:** Reregulation and Rules Oversight of Radio and TV Broadcasting. *Subject:* Modification and clarification of rules pertaining to:

- Creation of a complete listing of all cross references in Part 73 brought about by restructuring the Part;
- Undesignated headnotes: to eliminate in Subpart A because they are obsolete since the creation of the alphabetical index, and since many are no longer completely valid;
- Introduction of a new descriptive section in Subpart A to describe "Scope" of the Subpart;
- Recreation of 3 specific, clarified rule sections from two partly obsolescent ones pertaining to AM station transmissions;
- Partial deletion of obsolete §§ 73.41 and 73.42, rewrite viable parts, and insert as paragraph (b) into § 73.1665;
- Collation, rewriting and introducing as one new rule section, the widely spread requirements for equipment performance measurements for various services;
- Creation of one new rule, § 73.1690, combining into one rule section the requirements for changing licensed transmission facilities for AM, FM, NCE-FM and TV stations.

**Complaints and Compliance—1—Title:** *Ex Parte* Communications by Desert Empire Television corporation, Licensee of Station KMIR-TV (NBC, Channel 36) Palm Springs, California. *Summary:* On September 22, 1981, the Commission issued a Notice of Apparent Liability for forfeiture, in the amount of \$6,000, to Desert Empire Television Corporation, licensee of Station KMIR-TV, Palm Springs, California, for

engaging in *ex parte* written communication with individual members of the Commission and with Congressman Thomas P. O'Neill, Jr., concerning a then pending, restricted and adjudicative proceeding, in willful and repeated violation of Sections 1.1223(b) and 1.1225(a) of the Commission's Rules. The Commission now has under consideration the licensee's request that the forfeiture either be rescinded or substantially reduced.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen P. Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: January 6, 1982.

**William J. Tricarico,**  
*Secretary, Federal Communications Commission.*

[S-2982 Filed 1-7-82; 10:13 am]

**BILLING CODE 6712-01**

**5**

## FEDERAL ENERGY REGULATORY COMMISSION

January 6, 1982.

**TIME AND DATE:** 10 a.m., January 13, 1982.

**PLACE:** Room 9306, 825 North Capitol Street, N.E., Washington, D.C. 20426.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:** Agenda.

*Note.*—Items listed on the agenda may be deleted without further notice.

### CONTACT PERSON FOR MORE

**INFORMATION:** Kenneth F. Plumb,  
Secretary; Telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information.

**Consent Power Agenda—741st Meeting—**  
January 13, 1982, Regular Meeting (10:00 a.m.)

CAP-1. Project No. 2100-018, State of California Department of Water Resources

CAP-2. Project No. 3687-000, Tuolumne County Water District No. 2

CAP-3. Project No. 3530, Western Montana Electric Generating & Transmission Cooperative; Project No. 3956, Energenics Systems, Inc.; Project No. 4400, City of Kalispell, Montana

CAP-4. Project No. 3701, Yakima-Tieton Irrigation District

CAP-5. Project No. 5037-000, Utah Power & Light Co.

CAP-6. Project No. 4296, Seneca Hydroelectric Co., Inc.; Project No. 5217, Niagara Mohawk Power Corp.

CAP-7. Project No. 4224-000, Gregory Wilcox; Project No. 4569-000, City of Montrose, Colorado

CAP-8. Project No. 3671-000, Borough of Central City, Pennsylvania and Mitchell Energy Co., Inc.; Project No. 3955-000, Energenics Systems, Inc.

CAP-9. Project No. 3473, Jack M. Fuls; Project No. 3784, Deschutes Reclamation & Irrigation Co., Inc.; Central Oregon Irrigation District; and North Unit Irrigation District

CAP-10. Project No. 2849, East Columbia Basin Irrigation District, Quincy-Columbia Basin Irrigation District and South Columbia Basin Irrigation District

CAP-11. Project No. 3892, Georgia Pacific Corp.; Project No. 4244, Long Lake Energy Corp.

CAP-12. Docket No. ER82-113-000, Superior Water Light & Power Co.

CAP-13. Docket No. ER82-104-000, Public Service Co. of Colorado

CAP-14. Docket No. ER82-99-000, Missouri Public Service Co.

CAP-15. Docket No. ER82-117-000, Iowa-Illinois Gas & Electric Co.

CAP-16. Docket No. ER81-779-000, Pennsylvania Power Co.

CAP-17. Docket No. ER78-194, The Cleveland Electric Illuminating Co.

CAP-18. Docket No. ER78-338 (Phase I and II), Public Service Co. of New Mexico

CAP-19. Docket Nos. ER81-353-000, ER81-354-000, ER81-380-000, ER81-381-000 and ER81-586-000, The Dayton Power & Light Co.

CAP-20. Docket No. ER81-179-001, Arizona Public Service Co.

CAP-21. Docket Nos. E-9548 and E-9549, City of Mishawaka, Indiana, et al., v. Indiana & Michigan Electric Co., et al., and City of Anderson, Indiana v. Indiana and Michigan Electric Co., et al.; Docket Nos. ER76-716, ER76-382 and ER81-105, Indiana and Michigan Electric Co.

CAP-22. Docket Nos. ER81-448-000, ER81-474-000, ER81-382-000, ER81-386-000 and EL82-1-000, APS-PJM Interconnection Agreement, et al.

CAP-23. Project Nos. 5175 and 5176 Bluepond Associates

CAP-24. Project No. 5413-000, E.R. Jacobson

CAP-25. Project No. 3415, County of Mingo, West Virginia; Project No. 3655, City of Summersville, West Virginia; Project No. 3972, Energenics Systems, Inc.; Project No. 4151, City of Bedford, et al.

CAP-26. Project No. 3215, Water Power Development Corp., Emery Mills Dam

CAP-27. Project No. 5351, Tehama County Flood Control & Water Conservation District

CAP-28. Docket Nos. ER80-592, et al., Allegheny Power System, et al., Docket Nos. ER80-627, ER80-628, ER80-640, ER80-646, ER80-672, ER80-785, ER81-5 and ER81-368, American Electric Power Service Corp.

### Consent Miscellaneous Agenda

CAM-1. Docket No. RM81-33, Regulations under Federal Power Act providing for inclusion of construction work in progress in rate base

CAM-2. Ohio Edison Co.

CAM-3. Docket No. RM81-17, definition of agricultural use in section 282.202(a) of the

Commission's Incremental Pricing  
Regulations

- CAM-4. Docket No. RM79-76 (Utah-4), high-cost gas produced from tight formations  
CAM-5. Docket No. RM79-76 (New York-1), high-cost gas produced from tight formations  
CAM-6. Docket No. RM79-76 (Colorado-17), high-cost gas produced from tight formations  
CAM-7. Docket No. RM79-76 (Colorado-20), high-cost gas produced from tight formations  
CAM-8. Omitted.  
CAM-9. Docket No. RO79-7, Propane Gas & Appliance Co.

Consent Gas Agenda

- CAG-1. Docket No. TA82-1-44-001 (PGA82-2), Commercial Pipeline Co., Inc.  
CAP-2. Docket No. TA82-1-33-001 (PGA82-1a), El Paso Natural Gas Co.  
CAG-3. Docket No. TA81-1-32-001 (PGA82-1a), Colorado Interstate Gas Co.  
CAG-4. Docket No. RP82-27-000, El Paso Natural Gas Co.  
CAG-5. Docket No. RP82-26-000, Valero Interstate Transmission Co.  
CAG-6. Docket No. RP78-61-007, Mountain Fuel Resources, Inc.  
CAG-7. Docket No. RP81-3-000, Southwest Gas Corp.  
CAG-8. Docket No. RP80-145, Columbia Gulf Transmission Co.; Docket No. RP80-146, Columbia Gas Transmission Corp.  
CAG-9. Docket Nos. CI78-414-000 and CI81-501-000, Amoco Production Co.; Docket Nos. CI81-506-000, CI81-493-000 and CI81-509-000, Conoco, Inc.; Docket No. CI82-1-000, Florida Exploration Co.; Docket No. CI81-437-000, Sonat Exploration Co.; Docket Nos. CI81-438-000 and CI76-52-001, Arco Oil and Gas Co., Division of Atlantic Richfield Co.; Docket Nos. CI67-461-000, CI77-518-004, CI77-519-004, and CI82-4-000, Exxon Corp.; Docket No. CI81-16-002, Union Oil Co. of California; Docket No. CI81-494-000, McMoran Offshore Exploration Co.; Docket No. CI76-73-001, Hondo Oil & Gas Co.; Docket No. CI81-508-000, Transco Exploration Co.; Docket No. CI77-53, Chevron USA, Inc.; Docket No. CI75-138-001, Mobil Oil Exploration & Producing Southeast, Inc.; Docket No. CI78-208-004, Chevron U.S.A. Inc.  
CAG-10. Docket No. CI81-437-000, Sonat Exploration Co.  
CAG-11. Docket No. RI80-16, Transocean Oil, Inc.  
CAG-12. Docket No. RP76-3, The Inland Gas Co., Inc.  
CAG-13. Docket No. CP81-495, Mississippi River Transmission Corp.  
CAG-14. Docket No. CP82-5-000, Columbia Gas Transmission Corp.  
CAG-15. Docket No. CP81-385-000, Consolidated Gas Supply Corp.  
CAG-16. Docket No. CP81-434-000, Montana-Dakota Utilities Co.  
CAG-17. Dockets Nos. RP82-10-000 and RP81-54-000, et al., Tennessee Gas Pipeline Co.

Power Agenda

I. Licensed Project Matters

- P-1. Project No. 405, Susquehanna Power Co. and Philadelphia Electric Power Co.  
P-2. Project No. 2812, Appalachian Power Co. (Brumley Gap)

P-3. Project No. 2409, Calaveras County Water District

II. Electric Rate Matters

- ER-1. Docket No. ER81-750-000, Iowa Power & Light Co.  
ER-2. Docket No. ER76-205, Southern California Edison Co.  
ER-3. Docket Nos. ER77-485 and ER77-551, Carolina Power & Light Co.; Docket No. E-9606, North Carolina Electric Membership Corp., Four County Electric Membership Corp., Electricities of North Carolina, and Cities of Bennettsville and Camden, and Camden, South Carolina v. Carolina Power & Light Co.  
ER-4. Docket No. EF79-4011, United States Secretary of Energy, Southwestern Power Administration  
ER-5. Docket Nos. EF81-2021 and EF81-2011, Bonneville Power Administration  
ER-6. Docket No. EL79-20, Buckeye Power, Inc. v. Cincinnati Gas & Electric Co.

Miscellaneous Agenda

- M-1. Reserved  
M-2. Reserved  
M-3. Docket No. SA80-59, Southern Natural Gas Co.

Regular Gas Agenda

I. Pipeline Rate Matters

- RP-1. Docket No. RP82-7-000, Gas Gathering Corp.  
RP-2. Docket No. RP82-8-000, Kansas-Nebraska Natural Gas Co., Inc.  
RP-3. Docket No. RP80-121, United Gas Pipeline Co.

II. Producers Matters

- CI-1. Reserved

III. Pipeline Certificate Matters

- CP-1. (a) Docket No. CP81-221, Michigan Wisconsin Pipe Line Co.; (b) Docket No. CP81-235-000, Northern Natural Gas Co.; Docket No. CP81-367-000, Transcontinental Gas Pipe Line Corp.  
CP-2. Docket No. CP81-293-000, Northern Natural Gas Co., Division of Internorth, Inc.  
CP-3. (a) Docket No. CP81-210-000 and CP81-210-001, Texas Gas Transmission Corp.; (b) Docket No. CP81-332, Louisiana Resources Co.; (c) Docket No. CP81-333, Louisiana Intrastate Gas Corp.  
CP-4. Docket No. CP81-115-000, West Lake Arthur Corp.  
CP-5. Docket No. CP74-35-001, Pacific Offshore Pipeline Co.

Kenneth F. Plumb,

Secretary.

[S-25-82 Filed 1-6-82; 4:42 pm]

BILLING CODE 6717-01-M

6

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: 10 a.m., Thursday, January 14, 1982.

PLACE: 1700 G Street, N.W., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Marshall (202-377-6679).

MATTERS TO BE CONSIDERED:

Net Worth Amendment  
Amendment Concerning Borrowing  
Consumer Leasing  
No. 2, January 7, 1982.

[S-26-82 Filed 1-7-82; 9:58 am]

BILLING CODE 6720-01-M

7

FEDERAL TRADE COMMISSION

TIME AND DATE: 2 p.m., Thursday, January 21, 1982.

PLACE: Room 532, (open); Room 540 (closed) Federal Trade Commission Building, Sixth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the Public.

MATTERS TO BE CONSIDERED: Portions Open to Public:

(1) Oral Argument in Ethyl Corporation, Docket 9128.

Portions closed to the Public:

(2) Executive Session to follow Oral Argument in Ethyl Corporation, Docket 9128.

CONTACT PERSON FOR MORE

INFORMATION: Susan B. Ticknor, Office of Public Information: (202) 523-1891; Recorded Message: (202) 523-3806.

[S-33-82 Filed 1-7-82; 3:28 pm]

BILLING CODE 6760-01-M

8

INTERNATIONAL TRADE COMMISSION

TIME AND DATE: 10 a.m., Tuesday, January 19, 1982.

PLACE: Room 117, 701 E Street, N.W., Washington, D.C. 20436.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary.
5. Investigation 22-44 (Casein)—briefing and vote.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE

INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-30-82 Filed 1-7-82; 12:19 pm]

BILLING CODE 7020-02-M

9

OCCUPATIONAL SAFETY AND HEALTH  
REVIEW COMMISSION

"FEDERAL REGISTER" CITATION OF  
PREVIOUS ANNOUNCEMENT: 46 FR 61985,  
December 21, 1981.

**PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING:** 10 a.m., January 14, 1982.

**CHANGES IN THE MEETING:** The first part of this meeting will be open to the public. The remainder of the meeting is likely to be closed to the public. Portion open to the public:

Possible revision of §§ 2200.201, 2200.202, 2200.203, 2200.206 and 2200.209 of the Commission's rules for simplified proceedings (codified at 29 CFR 2200.200-2200.211).

Portion closed to the public:

Specific cases in the Commission adjudication process. This portion may be closed by a vote taken at the beginning of the portion. Otherwise, it will be open.

Dated: January 6, 1982.

[S-27-82 Filed 1-7-82; 10:05 am]

BILLING CODE 7600-01-M

## 10

### PAROLE COMMISSION

National Commissioners (the Commissioners presently maintaining offices at Bethesda, Maryland, Headquarters).

**TIME AND DATE:** 9:30 a.m., Thursday, January 14, 1982.

**PLACE:** Room 432, One North Park Building, 5550 Friendship Boulevard, Bethesda, Maryland 20015.

**STATUS:** Closed pursuant to a vote to be taken at the beginning of the meeting.

**MATTERS TO BE CONSIDERED:** Referrals from Regional Commissioners of approximately 20 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

#### CONTACT PERSON FOR MORE

**INFORMATION:** Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission (301) 492-5987.

[S-32-82 Filed 1-7-82; 3:17 pm]

BILLING CODE 4410-01-M

## 11

### SECURITIES AND EXCHANGE COMMISSION

**"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:** 46 FR 63448, December 31, 1981.

**STATUS:** Closed meeting.

**PLACE:** Room 825, 500 North Capitol Street, Washington, D.C.

**DATE PREVIOUSLY ANNOUNCED:** Monday, December 28, 1981.

**CHANGES IN THE MEETING:** Additional items. The following additional items will be considered at a closed meeting scheduled for Thursday, January 7, 1982, following the 10:00 a.m. open meeting:

Formal order of investigation.  
Litigation matter.

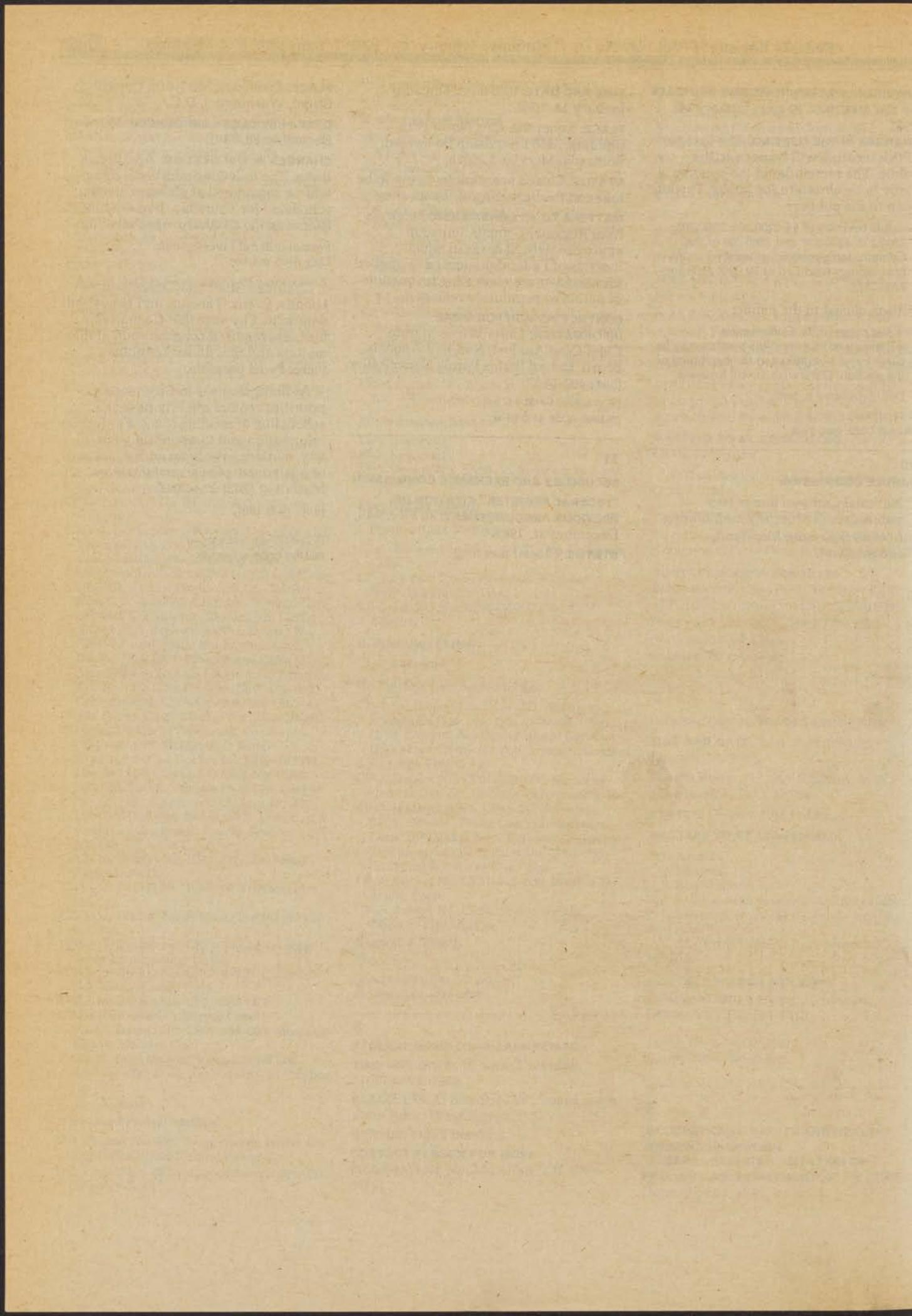
Chairman Shad and Commissioners Loomis, Evans, Thomas, and Longstreth determined by vote that Commission business required consideration of these matters and that no earlier notice thereof was possible.

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: Jerry Marlatt at (202) 272-2092.

January 6, 1982.

[S-31-82 Filed 1-7-82; 2:27 pm]

BILLING CODE 8010-01-M



# Federal Register

Monday  
January 11, 1982

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## Part II

### Department of the Interior

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#### Fish and Wildlife Service

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#### Proposal to Remove the Bobcat From Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora

## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

## 50 CFR Part 23

**Proposal to Remove the Bobcat From Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of United States proposal.

**SUMMARY:** The United States, as a party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), may propose changes in the list of animal and plant species included in Appendices I and II for protection by this treaty. Under the terms of CITES, the party nations may consider such proposals either at their biennial meetings or through a postal procedure between the meetings.

This notice announces the Service's determination that the bobcat is inappropriately included in Appendix II and announces the Service's decision to submit a proposal to remove United States and Canadian populations of the bobcat (*Lynx rufus*) from Appendix II. Information obtained from the states by the former Endangered Species Scientific Authority and the Service shows that the bobcat is not potentially threatened with extinction unless international trade is controlled and that such control also is unnecessary in order to effectively regulate international trade in other species included in CITES appendices.

**ADDRESS:** Please send correspondence concerning this notice to the Office of the Scientific Authority, U.S. Fish and Wildlife Service, Washington, D.C. 20240. Materials received will be available for public inspection from 7:45 a.m. to 4:15 p.m., Monday through Friday, in room 536, 1717 H Street, N.W., Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:** Dr. Richard M. Mitchell, Office of the Scientific Authority, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone (202) 653-5948.

**SUPPLEMENTARY INFORMATION:** This notice announces the Service's decision to submit a proposal to remove United States and Canadian populations of the bobcat (*Lynx rufus*) from Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora. This decision, based on the best available information from state, public, and private organizations on population status, management, and

utilization, will be followed by the submission of a bobcat delisting proposal to the CITES Secretariat for consideration through the postal procedure.

**Comments Received**

A preliminary notice (46 FR 45172; September 14, 1981) announced the Service's intention to determine whether the bobcat should be removed or retained on Appendix II and invited comments on the United States proposal. By the end of the comment period on November 13, 1981, the Service received a total of 15 letters from persons and organizations: 12 in favor of removal of the bobcat from Appendix II of CITES and three opposed. Nine comments in favor of delisting were from the state wildlife agencies of Alaska, Alabama, Arkansas, California, Florida, Nevada, New Mexico, Tennessee, and Texas. The Montana Wool Growers Association, the National Wildlife Federation, and the Texas Sheep and Goat Raisers Association also commented in favor of delisting. Comments against delisting were submitted by the Animal Protection Institute of America, the Defenders of Wildlife, Inc., and the Humane Society of the United States.

Defenders of Wildlife was the only group to submit detailed reasons for their position on the proposal. It contended that the Service's estimate in the delisting proposal that there are between 725,000 and 1,020,000 bobcats in the continental U.S. is based largely upon state submitted estimates and that most of these state estimates are unreliable. The Service's estimate was based not only on state submissions, but also on habitat evaluation, reconstruction data and information contained in numerous reports and scientific articles. The Service feels that this is a reliable estimate of the total U.S. population.

Defenders questioned the Service's use of a value of 0.71 kittens surviving per female, based upon the work of Crowe in Wyoming. Defenders argued that the use of the 0.71 figure yields an unrealistically high estimate of annual recruitment, when in fact, it is quite conservative. The average litter size reported from literature is approximately 2.8 kittens. A survival rate of 0.71 kittens per female would represent an annual recruitment rate of about 26 percent. Crowe (1975) reported a juvenile survival rate of from practically zero to a maximum survival rate of approximately 70 percent. Age class data from several states (Alabama, Arkansas, California, Georgia, and Texas) indicates a better kitten survival

rate than Wyoming. Thus, the Service was conservative in using Crowe's estimate to calculate that there is an expected annual recruitment of 254,000 to 362,000 young-of-the-year into the national population.

Defenders also contended that the Service failed to consider two analyses of bobcat abundance derived from the Service's Animal Damage Control scent station lines. These analyses of bobcat visits to scent stations provide population trend information which suggests that bobcat populations in the western U.S. have declined dramatically since 1972. However, the scent station survey lines are designed primarily to yield indices of coyote abundance. Because bobcats are not scent hunters and use sight and hearing for seeking prey, many of the individual state surveys show drastic fluctuations in bobcat numbers that may be due to the relatively low response rate of bobcats rather than to a population decline. The survey technique was designed primarily for canids, not bobcats, and the low response rate observed for bobcats increases the difficulty of interpreting results. The data are unreliable as indices of abundance because there is no clear relationship between scent line visits and bobcat abundance.

Defenders also contended that bobcat pelts are so valuable that state controls cannot adequately protect the species. As an example, they argue that there is considerable interstate illegal trafficking of bobcat pelts. Some illegal traffic undoubtedly occurs, but all states require mandatory tagging and reporting if pelts are to be exported. The Service has authority to confront this problem under the Lacey Act, regardless of whether the bobcat is listed under CITES or not. Defenders felt that much more than 45 percent of the pelts harvested are exported, but trade figures from the Federal Wildlife Permit Office which records the number of all pelts legally exported, show that approximately 45-47 percent of the pelts are exported. Defenders reported that New Mexico pelts bring prices as high as \$600 to \$650. However, information supplied to the Service showed that while some prime pelts may bring \$400 to \$450, the average pelt price for 1980-81 was only about \$103.

Defenders argued that state conservation measures were inadequate, pointing out that the States of Arizona and Texas permit the taking of bobcats year-round. Their example is only partially true. Both states permit hunting the year-round, but each has a limited trapping season (Arizona:

November 1—February 28; Texas: December 1—January 31). Arizona limits the number of export tags issued, giving out 500 for hunters and approximately 7,000 for trappers. Texas likewise issues a limited number of export tags.

Last, Defenders contended that the Service must prepare an Environmental Impact Statement (EIS) before proposing delisting. The Service determined that this is not a major rule under Executive Order 12291 and is not a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969. Accordingly, an EIS on this proposal was not prepared, but an Environmental Assessment was prepared in accordance with regulations implementing the National Environmental Policy Act (40 CFR 1500-1508).

#### Basis for Decision

The Service's preliminary notice on delisting of the bobcat (46 FR 45172) included a discussion of the CITES criteria for listing species and deleting them from the appendices. That notice also contained a summary of information about the bobcat. The Service has assembled the best available information in the body of its proposal, which is to be sent to the CITES Secretariat. This information is summarized below. Copies of the full text of the proposal are available from the Service's Office of the Scientific Authority.

The bobcat (*Lynx rufus*) was listed on Appendix II of CITES following the First Meeting of the Conference of the Parties in 1976, when a proposal was adopted to list all Felidae. That proposal lacked supporting evidence of the population status of the bobcat or other individual species. Since the U.S. has opposed the taking of reservations on any species, it refrained from doing so in this case.

In the years since the inclusion of the bobcat in Appendix II, all states within the U.S. that allow the species to be harvested have taken positive steps in conducting surveys and establishing or improving management programs for it. At least 5 years of harvest data and population trend information have been gathered by the ESSA and the Service on a national basis. It is evident from this information that the bobcat is not a currently or potentially threatened species, and that its removal from CITES Appendix II will have no adverse effect on its survival or on the effectiveness of CITES in controlling international trade in other Felidae.

#### Criteria

According to article II of CITES, Appendix II shall include:

(a) All species which although not necessarily now threatened with extinction may become so unless trade in specimens of such species is subject to strict regulation in order to avoid utilization incompatible with their survival; and

(b) Other species which must be subject to regulation in order that trade in specimens of certain species referred to in subparagraph (a) of this paragraph may be brought under effective control.

Based on language in the original proposal to list the Felidae in Appendix II, the Service has considered the bobcat to be listed for a combination of reasons (a) and (b) above.

The original listing proposal by the United Kingdom consists of the following statement, without supporting information.

"Inclusion of *Panthera leo* in Appendix I and of all Felidae species in Appendix II except those mentioned in Appendix I and the domestic cat (*Felis catus*):

These proposals extend those from Switzerland to delete certain subspecies from Appendix I, and to place three species on Appendix II. All cats are potentially involved in the fur trade, and the scale of this trade is such that all species must be considered as vulnerable, few populations now remaining unaffected. All wild species not in Appendix I should be on Appendix II, so that the scale of their occurrence in trade can be monitored. Further, the Indian lion is now so reduced in numbers that it should be placed on Appendix I."

It should be noted that Article II of CITES does not provide for listing species in Appendix II because of a need to monitor trade, although once species are listed, trade in them should be monitored.

The nations participating in CITES adopted criteria for listing and delisting species in Appendices I and II at their 1976 meeting. They agree that:

"Criteria for deletion, or transfer from Appendix I to Appendix II, should require positive scientific evidence that the plant or animal can withstand the exploitation resulting from the removal of protection. This evidence must transcend informal or lay evidence of changing biological status and any evidence of commercial trade which may have been sufficient to require the animal or plant to be placed on an appendix initially. Such evidence should include at least a well documented population survey, an indication of the population trend of the species, showing recovery sufficient to justify deletion, and an analysis of the potential for commercial trade in the species or population."

The parties adopted a further resolution concerning the delisting of

species at their 1979 meeting:

"Considering that many species have been included on Appendices I and II of the Convention with little or no supporting information;

Considering also, that criteria for adding species to Appendices I and II (Conf. 1.1) and criteria for deleting species from these appendices (Conf. 1.2) were adopted at the first meeting of the Conference of the Parties (Berne, 1976) to ensure the soundness of decisions on amendments to the appendices;

Observing, however, that these criteria were not applied to inclusions in Appendix I or II that were agreed to before the first meeting of the Conference of the Parties, and observing that there was not adequate time to effectively apply these criteria in inclusions agreed to at that meeting;

Conscious of the need to apply stringent criteria for deletion of species included in Appendix I or II under the criteria for addition, including the requirement of a well-documented population survey;

Convinced, however, that the appendices must be scientifically valid in order that the limited resources for implementing the Convention can be focused on species most in need of protection;

Considering the enormous cost of rigorously documenting the population status of all species in Appendix I or II that were included with little or no information and that apparently do not meet the criteria for addition;

Recognizing, therefore, the need to delete species from Appendix I or II if they were included without supporting information and are not qualified for inclusion under the criteria for addition.

#### The Conference of the Parties to the Convention

Decides that species included in Appendix I or II during or before the first meeting of the Conference of the Parties may be proposed for deletion from Appendix I or II or for transfer from Appendix I to Appendix II if a careful review of all available information on the status of the species does not lead to the conclusion that the species would be eligible for retention in its present appendix under the adopted criteria. Proposed amendments based on such reviews will be subject to the provisions of Article XV, as are all amendments to Appendices I and II."

#### Population Status

The proposal to be sent to the CITES Secretariat addresses each of the criteria adopted by participating nations

for the delisting of species. The requirements for a population survey and an indication of the population trend are addressed in this section. The requirement for an analysis of trade potential is addressed below in the sections on trade status and protection.

Presently, the bobcat is found throughout much of the United States, north to the Canadian border, crossing into British Columbia in the west and Nova Scotia in the east, and south into Mexico. The species, even though never plentiful during historic times in the northeast and midwest, has been extirpated only in the most densely populated areas of eastern states and some intensively cultivated midwestern states of the U.S. (Peterson and Downing, 1952).

The bobcat is the most numerous and ecologically adaptable felid in North America, inhabiting sagebrush country, semidesert regions, bare mountainsides, montane forests, West Coast chaparral, and woodlands of many types including deciduous and coniferous forests of the east and northeast, subtropical swamp forests of the south and southeast, and dense humid forests of the Cascade Mountains in the northwest, as well as earlier successional stages of these woodlands.

In Mexico, the species is most abundant in the north, but its range extends southward into the temperate highlands. The delisting proposal may be expanded to include the Mexican population if more data on it become available, and if the Government of Mexico concurs in its delisting. The bobcat is distributed along the southern boundary of Canada where evidence suggests a recent invasion since the beginning of this century. This proposal is supported by Canada.

Following the inclusion of all Felidae species in Appendix II of CITES in 1977, all states allowing a harvest of bobcats have had to meet standards (See 46 FR 28192, May 26, 1981, and 46 FR 50774; October 14, 1981) set by the U.S. Scientific Authority in order to export bobcat skins. These criteria require the states annually to furnish harvest figures (numbers taken, number of trappers, and prices paid for pelts), population estimates and trends, habitat assessment (trends), and management plans.

States employ various methods to estimate bobcat numbers. Some states use population models, others use hunter and trapper surveys, a few use line censuses of track data and scent post stations (which show only the relative abundance of bobcats), and many use wildlife habitat inventories and population trends based on harvest

data (including information on age-class structure and reproductive condition), or a combination of all the above methods.

In conducting wildlife habitat inventories, states determine the amount of habitat available for bobcats and compare this information to known harvest figures, censuses, direct observations, and other population information. Some states employing this method to estimate populations classify different types of habitat according to relative bobcat abundance. Habitat is classified as supporting high, medium, or low bobcat densities, with each vegetation type assigned a relative abundance designation. In western states, it is assumed that the maximum density of adult bobcats in high density vegetation types is 1 per 18.4 sq. km. based on research conducted by Bailey (1972) in Idaho and Crowe (1975) in Wyoming. Miller and Speake (1979) found the densities of bobcats in the southeastern United States to be 1 per 2.6 sq. km. in high density vegetation types. Jones and Smith (1979) reported a density of 1 bobcat per 3.6-4.1 sq. km. in Arizona, while researchers in California (Lembeck, 1978; Zezulak and Schwab, 1980) have found densities of 1.27 to 1.53 bobcats per sq. km. on their study areas.

An estimate of the number of bobcats occurring in each state is determined by multiplying the densities of bobcats by the area of high, medium, and low density vegetation types. Population estimates derived in this and other ways indicate that there are probably between 725,000 and 1,020,000 bobcats with a mean of 871,000 in the continental U.S.

Bobcats have a lifespan of about 12 years or more in the wild and are sexually active from maturity until death. Females are polyestrous, mating from February to June, with March as the peak season (Crowe, 1975). After a gestation period of 60-63 days, one to four kittens (an average of 2.8—Bailey, 1972; Crowe, 1975) are born from late May to the end of June. The kittens are weaned between 60-70 days of age and remain with the female until they are two-thirds to three-quarters grown (usually early winter, November-December). Female offspring become sexually mature in the following year, but males do not become sexually mature until the second year.

Crowe (1975), based on 25 years of Animal Damage Control data, reported a juvenile survival rate of from practically zero to a maximum survival rate of approximately 70 percent, with a 20-year average of 26 percent young survival. Bailey (1972) reported very low natural mortality (about  $\pm$  3 percent) once bobcats survived their second winter.

Crowe (1975) found that while the young-of-the-year were extremely susceptible to variations in prey populations, adults were resistant to mortality induced by changes in prey abundance. He concluded that survival rates of the young may be the major factor in bobcat population fluctuations.

The density of bobcats in a given area with no human interference is influenced by social behavior, habitat quality, prey base, and interspecific competition. The number of adults in an area appears to remain relatively stable throughout the year (Bailey, 1972). Bobcats space themselves by mutual avoidance throughout their range and avoidance appears to be greatest between animals of the same sex. Bobcats are territorial in nature, following well-established routes and using feces and urine posts (scrapes) to delineate their territory. According to Bailey (1974), the primary function of territoriality appears to be the spacing of individuals, thus ensuring an adequate supply of resources. While territorial in most instances, it appears that bobcats have the behavioral flexibility to accommodate denser population levels and concomitant increased conspecific interaction. Home range overlap has been reported in California populations of bobcats (Lembeck, 1978; Zezulak, 1978).

When old enough to become self-sufficient, bobcats wander in search of available territories. Most transient bobcats appear sexually immature (Bailey, 1972), it is probable they do not rear young until they have permanently settled in an area (established a territory). Adult resident female bobcats appear to prevent transients from rearing young in their territory.

Crowe (1975) calculated age specific survivorship at approximately 67% of the adults surviving each year in the exploited population for Wyoming. The annual recruitment of bobcats into a population is about 0.71 kittens per female, derived as follows. If it is assumed that the average litter size is 2.8 and that the annual kitten survival rate based on a 20-year average is 26 percent, then the annual recruitment rate of new bobcats into a population is 0.71 kittens per breeding female.

Based on state population estimates, and using Crowe's value of 0.71 kittens surviving per female (assuming that the ratio of males to females in the population is nearly equal), the annual recruitment of young-of-the-year into the population would be 254,000 to 362,000 individuals. The sex ratio among 28,432 bobcats caught by government trappers from 1915 to 1956 was 100 males to 77.6

females (Gashwiler et al., 1961). The greater movement of males (since they have a territorial range 4-10 times larger than females) could produce a bias in the sex ratio of trapped animals because of increased opportunities for capture.

Crowe (1975) employed a model for exploited bobcat populations in Wyoming to predict the limits within which harvested bobcats may be expected to respond. He found that 33 percent of the bobcats could be harvested from an area annually without affecting the overall bobcat population. With a recruitment of 254,000 to 362,000 juveniles into an existing population of 725,000 to 1,020,000 adults, the population of bobcats would be anywhere from 979,000 to 1,382,000 before the following hunting and trapping season (usually Nov. 15-Feb. 28). Each state sets a season to manage the bobcat and regulate the harvest. Many states have management plans to annually harvest 10 to 20 percent of the bobcat population. Few exceed this percentage in actual take. In the past 5 years, the reported annual take of bobcats has averaged about 90,000 (from states' annual findings submitted to the Service); thus, the overall U.S. annual take is less than 10 percent of the available population.

Habitat availability and prey abundance appear to be the determining factors because many young-of-the-year and juveniles do not survive beyond their first two years of life. Trapping and hunting are probably taking animals out of that part of the population that ordinarily would die from natural causes. Harvesting animals, at the current rate, has little direct effect on the overall numbers since much of the harvest (approximately 53%) involves nonreproducing individuals (young-of-the-year and juveniles). This is reflected in age-class data compiled by most states. Age-classes 0-1 and 1-2 years are most heavily exploited by hunters and trappers. Nearly 53% of the bobcats harvested annually are in these two age groups. These animals are usually transients and have not established territories or have not been incorporated into the existing breeding population.

Available information furnished annually by the states indicates the bobcat populations in the U.S. have generally remained stable, with little significant increase or decrease since nationwide data collection began in 1977.

#### Trade Status

Until recently, bobcat pelts had little monetary value and trapping for commercial purposes was not an

important reason for taking the animal. Generally, it was treated as a predator and hunted for sport or bounty. In 1971, 40 of the 48 states did not offer protection to the species, including 10 states with bounties. Over the past 5 years, approximately 90,000 bobcats have been harvested annually. Available data from the states show that 55 percent of the harvest is by trappers and 45 percent by hunters. Even with the significant rise in pelt prices and the numbers exported (about 45 percent of all bobcats harvested), the annual harvest has remained stable. This is largely due to the active management programs of the states in controlling the take either by bag limits, quotas, or season length.

Even without regulation by CITES, evidence that much of the harvest is not exported demonstrates that bobcats probably would continue to be harvested in many states at nearly the present level. While trappers take bobcats primarily for the fur trade, which is largely an export market, hunters shoot them for sport and do not regularly sell the pelts since most are damaged. In addition to commercial and sport harvests, a number of animals are removed annually because of their threat to livestock and poultry. In the southeast and southwest where pelts do not bring top prices, much of the harvest involves sport hunting and predator control.

The bobcat pelts harvested for export are used for manufacture into garments, mostly as trim on cloth coats or as full length coats. Generally, only the larger pelts and prime skins are exported. Even with the tremendous rise in fur prices, especially in 1978-79, and the rise in export (from 12 percent in 1976-77 to about 45 percent at present, as documented by CITES permits, beginning in 1977—the apparent rise might be due in part to increasing compliance with CITES by exporters), the harvest of bobcats has not risen significantly. In fact, the harvest for the 1980-81 season has fell below 87,000. The prices paid for pelts reached a peak in 1978-79 (\$145) and fell in 1980-81 by at least 30 percent (\$103).

#### Protection

Before 1970, the bobcat was listed as a predator by many states (40) and there were few states with closed seasons or management programs for the species. In 10 states, a bounty was paid for the removal of nuisance bobcats. Presently, no state pays a bounty and all states manage the bobcat as a game animal, furbearer or protected species. Currently (1980-81 season), 11 states list the bobcat as protected against taking and

37 states and 2 Indian Nations allow a regulated harvest of bobcats.

Of the states now allowing bobcat harvest, all have a limited season usually running between November 1-March 31. This season insures against the taking of adults in the breeding season and against the taking of immatures. Thirty-two states require mandatory tagging of all pelts and the reporting of all cats taken. Reporting is usually required within 6 to 7 days after the taking of a bobcat. All states require mandatory tagging and reporting if the pelts are to be exported. Some states have set a seasonal statewide quota and others have established a limit or number (bag limit) that each trapper or hunter can take.

All states within the U.S. now have the population data and management ability needed to regulate the harvest by means of seasons, bag limits, and mandatory tagging and reporting. This is reflected by the change of status of the bobcat in many states from a predator to a game animal or a furbearer and the strict regulation of the harvest. Each state adjusts its harvest season for the purpose of preventing the taking of excess numbers. For example, Nevada reduced its 1980-81 trapping season by one-third and thus reduced the bobcat harvest by 23 percent, and South Dakota will prohibit a bobcat harvest for the 1981-82 and 1982-83 seasons to allow the population to build up.

Each state in the U.S. that allows bobcats to be harvested has established a management program for the species. There is no sound biological basis for establishing additional legal protection. Since approximately 45 percent of all bobcats harvested are exported and the remaining pelts utilized internally or not used at all, the elimination of CITES export requirements would have little impact on the current or future harvest of the species. In effect, each state has determined that export will not be detrimental to the survival of the species when a decision is made to allow an annual harvest. Subsequent establishment of bag limits and periods during which harvest is allowed insure the continued survival of the species.

#### Similar Species

The lynx is the only animal whose pelt might be mistaken for that of the bobcat. While somewhat similar in appearance to the Canadian lynx (*Lynx canadensis*), the bobcat differs from it in having shorter legs, smaller feet with exposed toe pads, ears tufted slightly or not at all, a longer tail not black all around and white at the tip, and shorter fur.

The final proposal contains illustrations and a full description of characters used to distinguish the bobcat from the lynx or other cats. Pelts of these species are sufficiently distinct that there is no reasonable need to regulate bobcat exports in order to effectively control trade in lynx or other species.

#### Schedule of Events

The Service will send the bobcat delisting proposal to the CITES Secretariat for consideration through the postal procedure. This procedure, set forth in Article XV of CITES, is as follows:

(a) Any Party may propose an amendment to Appendix I or II for consideration between meetings by the postal procedures set forth in this paragraph.

(b) For marine species, (section omitted).

(c) For species other than marine species, the Secretariat shall, upon receiving the text of the proposed amendment, immediately communicate it to the Parties, and, as soon as possible thereafter, its own recommendations.

(d) Any Party may, within 60 days of the date on which the Secretariat communicated its recommendations to the Parties under subparagraph (b) or (c) of this paragraph, transmit to the Secretariat any comments on the proposed amendment together with any relevant scientific data and information.

(e) The Secretariat shall communicate the replies received together with its own recommendations to the Parties as soon as possible.

(f) If no obligation to the proposed amendment is received by the Secretariat within 30 days of the date

the replies and recommendations were communicated under the provisions of subparagraph (e) of this paragraph, the amendment shall enter into force 90 days later for all Parties except those which make a reservation in accordance with paragraph 3 of this Article.

(g) If an objection by any Party is received by the Secretariat, the proposed amendment shall be submitted to a postal vote in accordance with the provisions of subparagraphs (h), (i), and (j) of this paragraph.

(h) The Secretariat shall notify the Parties that notification of objection has been received.

(i) Unless the Secretariat receives the votes for, against, or in abstention from at least one-half of the Parties within 60 days of the date of notification under subparagraph (h) of this paragraph, the proposed amendment shall be referred to the next meeting of the Conference for further consideration.

(j) Provided that votes are received from one-half of the Parties, the amendment shall be adopted by a two-thirds majority of Parties casting an affirmative or negative vote.

(k) The Secretariat shall notify all Parties of the result of the vote.

(l) If the proposed amendment is adopted it shall enter into force 90 days after the date of the notification by the Secretariat of its acceptance for all Parties except those which make a reservation in accordance with paragraph 3 of this Article.

This notice is issued under authority of the Endangered Species Act of 1973 (16 U.S.C. et seq.; 87 Stat. 884, as amended). It was prepared by Dr. Richard M. Mitchell, Office of the Scientific Authority, telephone (202) 653-5948.

Note.—The Department has determined that this is not a major rule under Executive Order 12291 and does not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601).

Dated: December 11, 1981.

J. Craig Potter,

Assistant Secretary for Fish and Wildlife and Parks.

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[FR Doc. 82-549 Filed 1-8-82; 8:45 am]

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# Federal Register

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Monday  
January 11, 1982

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## Part III

### Environmental Protection Agency

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Hazardous Waste Management System;  
Standards Applicable to Generators of  
Hazardous Waste; State Program  
Requirements

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 123 and 262

[SW FRL 1970-3]

#### Hazardous Waste Management System; Standards Applicable to Generators of Hazardous Waste; State Program Requirements

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** On February 26, 1980 and May 19, 1980, under the Resource Conservation and Recovery Act (RCRA), the Environmental Protection Agency (EPA) published regulations establishing a system to manage hazardous waste. Those regulations allowed hazardous waste generators to accumulate hazardous waste on-site without obtaining a permit or meeting financial responsibility requirements if they shipped the waste off-site within 90 days. On November 19, 1980, the Agency published an interim final rule which expanded the scope of the provision to include generators who treat, store or dispose of hazardous waste on-site. The final rule published today retains this change.

As a result of public comments, the Agency is making several changes to the interim final rule. These changes (1) Clarify that the provision is applicable to all generators, including those who accumulate hazardous waste for the purpose of use, reuse, recycling and reclamation, (2) remove the requirement for use of DOT containers, (3) revise the labelling and marking requirements for wastes accumulated in containers and tanks; and (4) allow an extension to the 90-day accumulation limit in certain circumstances.

**EFFECTIVE DATE:** These requirements are effective on January 11, 1982.

**ADDRESSES:** The official docket for this regulation is located in Room 2636, U.S. Environmental Protection Agency, 401 M Street S.W., Washington, D.C., and is available for viewing from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

#### FOR FURTHER INFORMATION CONTACT:

Rolf P. Hill, Office of Solid Waste (WH-563), U.S. Environmental Protection Agency, 401 M Street SW, Washington, D.C. 20460, (202) 755-9150 or the RCRA Hotline at (800) 424-9346 or (202) 554-1404.

## SUPPLEMENTARY INFORMATION:

### I. Introduction

In the regulations promulgated in February and May 1980, EPA established standards applicable to generators of hazardous waste. [40 CFR Part 262, 45 FR 12722 (February 26, 1980), 45 FR 33140 (May 19, 1980)]. These standards require generators to initiate a manifest to track the movement of hazardous waste, maintain records, and provide proper containers, labels, markings and placards for the transportation of hazardous waste.

Recognizing that many generators would accumulate hazardous waste for a period of time prior to shipping the waste off-site to a hazardous waste management facility, EPA included a provision [40 CFR 262.34] allowing generators to accumulate waste on-site for 90 days or less without having to obtain a RCRA permit for a storage facility under 40 CFR Parts 122 and 264 or to qualify for interim status and comply with the standards in Part 265. EPA's purpose was to reduce the regulations with which a generator must comply during the short accumulation period. However, since holding hazardous waste for a period of 90 days may pose some of the same risks to human health and the environment as long-term storage, § 262.34 contained specific conditions with which the generator had to comply. Section 262.34 required the generator to (1) Ship the waste off-site within 90 days, (2) place the waste in containers or tanks meeting specified technical standards, (3) mark the date accumulation began on the container, (4) properly label and mark the containers, and (5) comply with the regulations concerning preparedness and prevention, contingency plans and emergency procedures. [45 FR 33143.]

On November 19, 1980, [45 FR 76624] the Agency published an interim final rule amending § 262.34. The interim final rule expanded the 90-day accumulation provision to apply not only to hazardous waste which generators send off-site, but also to hazardous waste which they treat, store or dispose on-site. As explained in the preamble to the rule, EPA determined that there was no basis for imposing substantially different requirements on the two groups of generators.

Today's rule makes the November 19, 1980 action final, and makes additional amendments to § 262.34 in response to comments received from the public. Conforming amendments to § 262.10 and Part 123 are also being made to clarify the effect of these amendments on the purpose, scope and applicability of Part 262 and on state RCRA program requirements.

### II. Response to Comments

#### 1. Accumulation for on-site management.

The interim final rule published November 19, 1980 expanded the applicability of the accumulation time provision in § 262.34 to include generators who treat, store or dispose of their hazardous waste on-site. The Agency solicited comments on whether the accumulation time limit for generators who subsequently manage on-site should be less than 90 days. The vast majority of commenters favored the interim final rule and none of them supported shortening the 90-day period.

In support of the rule, several commenters pointed out the similarities between the time needed to accumulate wastes for economical shipment off-site and the time needed to accumulate wastes for efficient on-site management. Commenters also noted that a more restrictive time period for accumulation prior to on-site management would be inequitable to those generators who currently manage their waste on-site. This inequity could discourage on-site management of wastes in favor of shipping off-site. Moreover, increased off-site shipments would increase the likelihood of transportation-associated incidents resulting in the release of hazardous wastes. The Agency agrees with the comments and maintains the 90-day provision for generators who subsequently manage on-site.

#### 2. Modification to accumulation areas.

One effect of the interim final amendment (and the final amendments being promulgated today) is to give generators who treat, store, or dispose of wastes on-site greater latitude to enlarge and relocate temporary waste accumulation areas. These amendments allow 90-day accumulation areas at interim status facilities to be governed by § 262.34. Without these amendments, those areas would be subject to the restrictions on modifications to a facility during interim status in 40 CFR 122.23(c). Several commenters supported the amendment for this reason.

#### 3. Use, reuse, recycling, and reclamation.

Many of the commenters who supported the interim final rule also suggested that the provision address situations where waste is accumulated prior to being used, reused, recycled, or reclaimed. Through an oversight, the November 19, 1980 provision did not apply to these situations. The Agency had fully intended to allow such activity and therefore is amending the interim final rule so that § 262.34(a) applies

when a generator accumulates hazardous wastes in tanks or containers for subsequent use, reuse, recycling or reclamation. (It should be noted that wastes which are not sludges and which are defined as hazardous solely because they exhibit one or more of the characteristics described in Part 261 Subpart C are not subject to regulation under Parts 262-265 when used, reused, recycled or reclaimed. 40 CFR 261.6(a). The regulatory status of these wastes is thus unaffected by today's action.)

#### 4. Use of DOT containers.

Commenters noted that § 262.34 requires that containers used for 90-day accumulation must meet the Department of Transportation (DOT) packaging requirements referred to in § 262.30. Some commenters felt that applying this requirement to generators who subsequently manage their waste on-site at interim status facilities is inequitable since Part 265 Subpart I does not require that DOT containers must be used for storage during interim status.

The Agency agrees that this situation is inequitable. Originally, § 262.34 applied only to hazardous waste accumulated for off-site shipment. Therefore, it seemed sensible to require use of the containers that would be used in transportation during the 90-day accumulation period as an added but not burdensome means of ensuring safe containment during accumulation. For the reasons expressed by the commenters, the Agency no longer believes that the requirement for DOT containers during accumulation is appropriate. However, EPA also believes it is important to ensure that minimum health and safety standards are met in temporary storage situations. Thus, EPA is replacing the DOT container requirement with a provision requiring compliance with Part 265 Subpart I, the interim status standards for storage in containers. Subpart I contains general good-housekeeping requirements and does not stipulate the type of container to be used. These requirements should provide adequate protection to human health and the environment while giving generators greater latitude in their choice of containers.

The amendment to § 262.34(a) requiring compliance with Part 265 Subpart I applies to all generators, whether or not the waste will subsequently be managed on or off-site. In this case, EPA believes that waste accumulated for on-site management should be regulated equally with waste accumulated for off-site shipment until such waste is transported, or offered for transport. Of course, prior to shipment off-site, generators must comply with

§ 262.30 for packaging hazardous wastes for transportation. Generators may still wish to use DOT containers during the 90-day period, and this amendment does not preclude them from doing so. In fact, EPA encourages generators who ship waste off-site to accumulate the waste in the same containers in which it will be shipped, and thereby avoid transferring wastes among containers. This is a good management practice which helps to prevent releases to the environment, and inadvertent mixture of incompatible wastes.

#### 5. Labelling and marking requirements.

Some commenters expressed the opinion that containers used for accumulation of wastes for subsequent on-site management should not have to be labelled and marked in conformance with §§ 262.31 and 262.32. They claimed that the §§ 262.31 and 262.32 standards are necessary for transportation purposes but are not appropriate when the containers stay on site.

Other commenters questioned whether the labelling and marking requirements for waste to be shipped off-site apply when 90-day accumulation begins, or just prior to transportation.

Originally, § 262.34 applied only to hazardous waste accumulated for off-site shipment. Under those circumstances, EPA believes that a requirement that the same labels and markings that would be used in transportation be used during the 90-day period would enable easier identification of hazardous wastes and not be unduly burdensome. For the reasons expressed by the commenters, the Agency has since concluded that the requirement for DOT labelling and DOT/EPA marking during the 90-day period should be changed. However, EPA also believes it is important to ensure that minimum health and safety standards are met in temporary storage situations. EPA is therefore deleting the DOT labelling and DOT/EPA marking provisions from § 262.34(a) and adding a requirement that generators must clearly mark containers and tanks with the words, "Hazardous Waste". This simple identification procedure will ensure that persons at the generating site are aware of which containers and tanks hold hazardous waste, and will help an EPA inspector to determine a generator's compliance with the other requirements of § 262.34.

One commenter expressed the opinion that the DOT labelling requirement should be maintained for all accumulation of hazardous waste in containers because these labels contain useful information about the contained wastes. The information facilitates

communication among personnel and effectuates emergency response to discharge incidents. The Agency agrees that having a detailed description of the contents of each container is a good management practice for some industries, but believes that the specificity of the labelling should be determined by each generator according to the needs of his facility. For regulatory purposes, EPA finds that it is unnecessary to require DOT labelling during 90-day accumulation. Of course, prior to shipment, generators must comply with §§ 262.31 and 262.32 for labelling and marking hazardous waste for transportation. Generators may still wish to use DOT labels and DOT/EPA markings during the 90-day period, and this amendment does not preclude them from doing so.

Section 262.34(a), as promulgated on May 19, 1980, also requires generators to mark containers with the date upon which each period of accumulation begins. This requirement is not changed by today's action.

#### 6. Extension to 90-Day Limit.

Several commenters expressed concern regarding the 90-day accumulation time limit in special cases where unforeseen, temporary and uncontrollable circumstances result in wastes being accumulated for longer than 90 days. They have argued that although a generator may make arrangements to have his wastes sent to a management facility within 90 days, occasional circumstances may prevent him from doing so. Examples given have included facility refusals of waste shipments, transporter delays and labor strikes.

Section 262.34(b), as promulgated May 19, 1980, stated that a generator who accumulates hazardous waste for longer than 90 days is operating a storage facility and must have a permit or interim status. A generator who accumulated waste beyond the 90-day time limit due to uncontrollable circumstances and did not have a permit or interim status would be in technical violation of the regulations. He would then be required to obtain a permit to store hazardous waste, even though he may intend to store for only a few days or a week.

To avoid this situation, some generators submitted RCRA permit applications to EPA in order to qualify for interim status as storage facilities. Their intent was to be legally covered if an unexpected event forced them to accumulate wastes beyond 90 days. EPA has discouraged "protective filings" in other situations [see November 19, 1980 45 FR 76635] and believes generators

should not have to file permit applications or comply with the administrative standards of Part 265 simply because they may exceed the 90-day accumulation limit. Rather, the Agency believes the problem identified by the commenters should be addressed directly. Accordingly, EPA is amending § 262.34(b) to allow an extension to the 90-day accumulation provision on a case-by-case basis. This amendment, promulgated in final form today, allows generators to receive an extension of up to 30 days for accumulating wastes if the extension is necessary because of unforeseen, temporary and uncontrollable circumstances. This extension would be issued at the discretion of the EPA Regional Administrator upon the request of the generator. After such extension terminates, the generator must comply with the permitting and facility requirements of 40 CFR Parts 122, 264 and 265 if he continues to store the waste.

Generators are encouraged to withdraw protective filings by contacting their EPA Regional Offices.

#### 7. Duration of accumulation period.

The Agency has also received comments from the regulated community concerning the duration of the 90-day accumulation period. Some commenters claim that the 90-day period is too short for many generators to accumulate enough hazardous waste for economical management on-site or shipment off-site. They believe that generators should be allowed to accumulate hazardous waste without a permit or interim status until a quantity is accumulated which is economical to recycle, transport, or otherwise manage. Although today's action provides for extensions to the 90-day period under extenuating circumstances, it does not address the general adequacy of the 90-day limit. However, the Agency is studying this issue as part of an inclusive Regulatory Impact Analysis of EPA's standards for hazardous waste storage. The analysis will assess the environmental benefits and economic costs of the present rule and assess regulatory alternatives. The analysis is scheduled for completion by Fall of 1982. At that time, the Agency will determine whether and how to adjust the 90-day limit.

#### 8. Satellite accumulation.

In the preamble to the interim final amendment to § 262.34 EPA discussed and solicited comments on the issue of "satellite accumulation areas". Commenters had pointed out that within a manufacturing complex, there may be dozens of places where hazardous wastes are collected during daily operation prior to being taken to a

loading dock or other central accumulation area. Currently, the regulations governing accumulation of hazardous waste do not differentiate between accumulation at satellite areas within a generating facility and accumulation at a central loading dock; thus, § 262.34 applies to both situations. Comments received on the issue stated that the requirements of § 262.34 are more stringent than necessary for the accumulation and very short-term storage of wastes at areas where the wastes are generated and initially accumulated, often in small containers, prior to movement to the more centralized on-site accumulation areas. The Agency plans to publish a proposed rule to address this subject.

### III. Related topics

#### 1. Conforming Amendments to Parts 262, 123.

Today's final amendments to § 262.34 affect the activities of generators who treat, store or dispose of hazardous waste on-site. Accordingly, EPA must change § 262.10 (Purpose, scope and applicability) and Part 123 (State Program Requirements) to reflect this change. The Agency is therefore amending § 262.10(b) to include § 262.34 as one of the sections with which such generators must comply, and amending §§ 123.34 and 123.128 to modify the requirements for interim and final authorization of state RCRA programs in line with today's changes to § 262.34.

#### 2. Empty Tanks.

Questions have been raised concerning the applicability of the 90-day accumulation provision to accumulation in tanks. As with accumulation in containers, the 90-day period begins the moment the generator first places hazardous wastes in an "empty" tank. The generator then must remove all wastes from his tank within 90 days from the time he first places wastes in the "empty" tank. A tank will be considered "empty" when its contents have been drained to the fullest extent possible. Since many tank designs do not allow for complete drainage due to flanges, screens or syphons, it is not expected that 100% of the wastes will always be removed. As general guidance, a tank should be considered empty when the generator has left the tank's drainage system open until a steady, continuous flow has ceased.

### IV. Effective Date

Section 3010(b) of RCRA provides that EPA's hazardous waste regulations and revisions thereto take effect six months after their promulgation. The purpose of this requirement is to allow persons

handling hazardous wastes sufficient lead time to prepare to comply with major new regulatory requirements. However, since this amendment has been in effect in substantially the same form since November of 1980, EPA believes it would make little sense to delay the effective date. Accordingly, EPA is making this final rule effective upon promulgation.

### V. Regulatory Impact

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. The interim final rule published November 19, 1980 on this subject was the result of comments received from the regulated community concerning the May 19, 1980 rules. Comments received from industry on the November 19 action indicated that the rule would reduce regulatory burden. Today's rule makes the November 19 action final and adds several minor amendments on the subject. These additional changes are being made largely in response to comments received from the regulated community on the interim final rule. The Agency concludes that these amendments are not "major" because they reduce the overall cost of EPA's hazardous waste regulations, do not cause an increase in prices for consumers, industries or other groups, and do not have an adverse effect on the economy of the United States.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

### VI. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA must prepare a regulatory flexibility analysis for all final regulations that may have a significant impact on a substantial number of small entities. While this regulation may have a significant impact on a substantial number of small entities, the effect of this regulation would be to reduce the cost and paperwork requirements of EPA's hazardous waste management regulations to hazardous waste generators, including those which are small businesses, small organizations, and small governmental jurisdictions. Accordingly, I hereby certify, pursuant to 5 U.S.C. 601, that this final rule will not have a significant economic impact on a substantial number of small entities.

Dated: December 28, 1981.

Anne M. Gorsuch,  
Administrator.

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

**PART 123—STATE PROGRAM REQUIREMENTS**

1. The authority citation for Part 123 reads as follows:

Authority: Secs. 2002, 3002, and 3006, Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, (RCRA), 42 U.S.C. 6912 through 6925.

2. In § 123.34, paragraph (c) is revised to read as follows:

**§ 123.34 Requirements for generators of hazardous waste.**

(c) The State Program must require that generators who accumulate hazardous waste for short periods of time comply with requirements that are equivalent to the requirements for accumulating hazardous wastes for short periods of time under 40 CFR 263.34.

3. In § 123.128, paragraph (b)(4) is revised to read as follows:

**§ 123.128 Program requirements for interim authorization for Phase 1.**

(b) \* \* \*

(4) The State Program must require that generators who accumulate hazardous waste for short periods of time do so in a manner that does not

present a hazard to human health or the environment.

**PART 262—STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE**

4. The authority citation for Part 262 reads as follows:

Authority: Secs. 1006, 2002, 3002, 3003, 3004, and 3005, Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, (RCRA), 42 U.S.C. 6905, 6912, 6922, 6923, 6924, 6925.

5. In § 262.10, paragraph (b) is revised to read as follows:

**§ 262.10 Purpose, scope and applicability.**

(b) A generator who treats, stores, or disposes of hazardous waste on-site must only comply with the following sections of this Part with respect to that waste: Section 262.11 for determining whether or not he has a hazardous waste, § 262.12 for obtaining an EPA identification number, § 262.34 for accumulation of hazardous waste, § 262.40 (c) and (d) for recordkeeping, § 262.43 for additional reporting and if applicable, § 262.51 for farmers.

6. Section 262.34 is amended by revising paragraphs (a) and (b) to read as follows:

**§ 262.34 Accumulation time.**

(a) A generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status provided that:

(1) The waste is placed in containers and the generator complies with Subpart I of 40 CFR Part 265, or the waste is placed in tanks and the generator complies with Subpart J of 40 CFR Part 265 except § 265.193;

(2) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;

(3) While being accumulated on-site, each container and tank is labeled or marked clearly with the words, "Hazardous Waste"; and

(4) The generator complies with the requirements for owners or operators in Subparts C and D in 40 CFR Part 265 and with § 265.16.

(b) A generator who accumulates hazardous waste for more than 90 days is an operator of a storage facility and is subject to the requirements of 40 CFR Part 264 and 265 and the permit requirements of 40 CFR Parts 122 unless he has been granted an extension to the 90-day period. Such extension may be granted by EPA if hazardous wastes must remain on-site for longer than 90 days due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to 30 days may be granted at the discretion of the Regional Administrator on a case-by-case basis.

[FR Doc. 82-656 Filed 1-8-82; 6:45 am]  
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# Federal Register

Monday  
January 11, 1982

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## Part IV

# Environmental Protection Agency

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**Standards for Owners and Operators of  
Hazardous Waste Disposal Facilities;  
Interim Rule**

**ENVIRONMENTAL PROTECTION  
AGENCY**
**40 CFR Part 265**

[SW-FRL 1999-2]

**Standards for Owners and Operators  
of Hazardous Waste Disposal  
Facilities; Interim Rule**
**AGENCY:** Environmental Protection Agency.

**ACTION:** Interim final amendments to rule.

**SUMMARY:** EPA is today promulgating, in interim final form, amendments to the ground-water monitoring standards for certain hazardous waste surface impoundments used to neutralize corrosive wastes. The amendments provide for a waiver of these standards for any surface impoundment that (1) Contains wastes which are hazardous only because they exhibit the corrosivity characteristic and contains no other hazardous wastes, and (2) is demonstrated to rapidly neutralize the wastes so that there is no potential for migration of any hazardous waste out of the impoundment.

The purpose of today's amendment is to relieve owners and operators of neutralization surface impoundments from having to monitor ground water in cases where such monitoring is not necessary to protect human health and the environment. Since the compliance date for the ground-water monitoring requirements is November 19, 1981, today's limited exception to those requirements is being made effective immediately.

**DATE:** Today's interim final amendments are effective January 11, 1982.

EPA will accept public comments on the proposed amendments until March 9, 1982.

**ADDRESSES:** Comments on the interim final amendments should be sent to Deneen Shrader, Docket Clerk, Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. Comments should identify the regulatory docket as follows: "Docket No. 3004, Amendment of § 265.90(c)". Requests for a hearing should be addressed to John P. Lehman, Director, Hazardous and Industrial Waste Division, Office of Solid Waste (WH-565), U.S. Environmental Protection Agency, Washington, D.C. 20460.

The official docket for this regulation is located in Room 2636, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460 and is available for viewing from 9:00 a.m to

4:00 p.m., Monday through Friday, excluding holidays.

**FOR FURTHER INFORMATION CONTACT:** The RCRA hazardous waste hotline, Office of Solid Waste (WH-565), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460, 800/424-9346 (382-3000 in Washington, D.C.). For specific information on this amendment, contact Barry Stoll, Office of Solid Waste (WH-564), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460, (202) 755-9116.

**SUPPLEMENTARY INFORMATION:**
**I. Purpose and Content of the  
Amendment**

On May 19, 1980, EPA promulgated hazardous waste regulations in 40 CFR Parts 260-265 (45 FR 33066 *et seq.*) which established, in conjunction with earlier regulations promulgated on February 26, 1980 (45 FR 12721 *et seq.*), the principal elements of the hazardous waste management program under Subtitle C of the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6921, *et seq.*). Part 265 of the May 19 regulations set forth standards applicable to owners and operators of hazardous waste treatment, storage, and disposal facilities during the "interim status" period. Subpart F (§§ 265.90-265.94) of those regulations established ground-water monitoring interim status standards applicable to land disposal facilities.

Section 265.90(c) provides that all or part of the groundwater monitoring requirements of Subpart F may be waived if the owner or operator demonstrates that there is a low potential for migration of hazardous waste or hazardous waste constituents from the facility via the uppermost aquifer to water supply wells or to surface water. The demonstration must be in writing and must be certified by a qualified geologist or geotechnical engineer and must establish the potential for migration of the hazardous waste or hazardous waste constituents from the facility to the uppermost aquifer and from that aquifer to water supply wells or surface water. This demonstration must be based on an evaluation of several hydrogeological factors set forth in the regulation.

As presently written, this self-implementing waiver provision is available only when hydrogeological factors reduce the migration potential to a low probability.<sup>1</sup> The regulation does

<sup>1</sup> As explained in the preamble to § 265.90(c) (45 FR 33192, May 19, 1980), a complete waiver of all Subpart F monitoring requirements is available only when the owner or operator can demonstrate that

not allow consideration of the disposed wastes' characteristics and the facility design to be used as a basis for reducing monitoring requirements. At the time that the regulation was promulgated, EPA was concerned that the state of knowledge about hazardous wastes and facility designs was not sufficiently certain to justify reductions in the basic monitoring system during interim status. (See 45 FR 33192, May 19, 1980.)

Since the time it promulgated § 265.90(c), EPA has become aware of one situation where it is appropriate to allow a waiver of ground-water monitoring requirements to be based upon consideration of the facility and the wastes disposed in the facility. Several industries operate surface impoundments which contain no hazardous wastes except corrosive wastes which themselves are hazardous only due to their corrosivity. In some cases, these wastes may be placed in the impoundment together with large volumes of non-hazardous wastes. In some of these cases, particularly where active mechanical mixing is performed in the impoundment, it may be reliably demonstrated that the corrosive wastes are neutralized shortly after being placed in the impoundment. In such cases, there may be no potential for any hazardous wastes to migrate out of the impoundment.

For the neutralization surface impoundments described above, EPA believes that it makes little sense to monitor the ground water beneath the facilities. Therefore, EPA is amending § 265.90 to provide a waiver of Subpart F requirements for these types of facilities upon a demonstration that there is no potential for migration of hazardous wastes out of the facility. The demonstration would have to show, based on consideration of the corrosive wastes and the impoundment, that the corrosive wastes will be neutralized before they migrate out of the facility. The demonstration must be certified by a professional qualified to make this type of technical demonstration, rather than necessarily by a geologist or geotechnical engineer (as required in § 265.90(c)).

It may be that there are types of facilities other than neutralization surface impoundments for which reliable demonstrations can in some instances be made, based upon consideration of the nature of the wastes and of the facility, to show that there is no potential for migration of hazardous waste or hazardous waste

there is no potential for migration to water supply wells or surface water.

constituents from the facility. EPA welcomes information (including detailed data) on such facilities.

## II. Promulgation of Today's Amendment in Interim Final Form

The compliance date for the existing Subpart F ground-water monitoring requirements is November 19, 1981. Unless today's amendment is promulgated and takes effect immediately, owners or operators of neutralization surface impoundments would be required to comply immediately with the Subpart F requirements even when they can demonstrate that those requirements are unnecessary to protect human health and the environment. Such a result would be contrary to the public interest. Therefore, EPA believes that good cause exists to promulgate today's amendment in interim final form without prior notice and comment.

EPA invites public comment on today's interim final rule. Consistent with its duty to fully consider all comments, EPA will promulgate a final rule as soon as possible after the close of the public comment period.

## III. Effective date

Section 3010(b) of RCRA provides that EPA's hazardous waste regulations take effect six months after their promulgation. The purpose of this statutory requirement is to allow persons affected by the regulations sufficient lead time to comply with major new regulatory requirements. Today's amendment, however, does not impose a new requirement but rather relaxes an existing requirement. Therefore, the Agency believes it is consistent with the intent of Section 3010(b) to make today's amendment immediately effective.

## IV. Regulatory Analysis

Section 3(b) of Executive Order 12291, 40 FR 13193 (February 19, 1981), requires

EPA to initially determine whether a rule that it intends to propose or issue is a major rule and to prepare regulatory impact analyses for all major rules.

EPA has determined that the amendment being promulgated today is not a major rule. As discussed above, this amendment will allow a waiver of ground-water monitoring requirements under a limited set of circumstances. Accordingly, a Regulatory Impact Analysis is not being prepared for this amendment.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

The information collection requirements in this interim final rule will be submitted to the Office of Management and Budget for clearance under the Paperwork Reduction Act of 1980. The information requirements or recordkeeping in this interim final rule will not take place until it has been cleared by the Office of Management and Budget. If OMB approves, the information collection requirements will take effect as set forth in this interim final rule. If not, EPA will revise the information requirements (and this rule if appropriate) to comply with OMB's determination.

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA is required to determine whether a regulation will have a significant impact on a substantial number of small entities so as to require a regulatory analysis. The additional waiver opportunity created by this amendment should, if anything, reduce the burden of compliance with the hazardous waste disposal regulations for small entities. Therefore, pursuant to 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant adverse impact on a substantial number of small entities.

Dated: December 28, 1981.

Anne M. Gorsuch,  
Administrator.

## PART 265—INTERIM STATUS STANDARDS FOR OWNER AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

For the reasons set out in the preamble, Title 40 of the Code of Federal Regulations is amended as follows:

1. The authority citation for Part 265 reads as follows:

**Authority:** Secs. 1006, 2002(a), and 3004, Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), and 6924).

2. Section 265.90 is amended by adding paragraph (e) to read as follows:

### § 265.90 Applicability.

(e) The ground-water monitoring requirements of this Subpart may be waived with respect to any surface impoundment that (1) is used to neutralize wastes which are hazardous solely because they exhibit the corrosivity characteristic under § 261.22 of this Chapter or are listed as hazardous wastes in Subpart D of Part 261 of this Chapter only for this reason, and (2) contains no other hazardous wastes, if the owner or operator can demonstrate that there is no potential for migration of hazardous wastes from the impoundment. The demonstration must establish, based upon consideration of the characteristics of the wastes and the impoundment, that the corrosive wastes will be neutralized to the extent that they no longer meet the corrosivity characteristic before they can migrate out of the impoundment. The demonstration must be in writing and must be certified by a qualified professional.

[FR Doc. 82-623 Filed 1-8-82; 8:45 am]

BILLING CODE 6560-30-M

Part 1004—BIRMINGHAM STANDARDS FOR OWNERS AND TREATMENT OF HAZARDOUS WASTE DISCHARGE FACILITIES

For the purpose of this article, the following definitions shall apply: Hazardous waste is any waste which is highly flammable, highly explosive, highly reactive, or highly toxic. The following standards shall apply to all owners and operators of hazardous waste discharge facilities:

1. The facility shall be designed and constructed in accordance with the following standards:
2. The facility shall be located in an area which is not a residential or business district.
3. The facility shall be surrounded by a fence at least six feet high.
4. The facility shall be equipped with fire extinguishers and other fire fighting equipment.
5. The facility shall be equipped with spill containment equipment.
6. The facility shall be equipped with proper ventilation.
7. The facility shall be equipped with proper lighting.
8. The facility shall be equipped with proper access roads.
9. The facility shall be equipped with proper drainage.
10. The facility shall be equipped with proper waste handling equipment.

The following standards shall apply to the treatment of hazardous waste:

1. The waste shall be treated in accordance with the following standards:
2. The waste shall be treated in a facility which is designed and constructed in accordance with the following standards:
3. The waste shall be treated in a facility which is located in an area which is not a residential or business district.
4. The waste shall be treated in a facility which is surrounded by a fence at least six feet high.
5. The waste shall be treated in a facility which is equipped with fire extinguishers and other fire fighting equipment.
6. The waste shall be treated in a facility which is equipped with spill containment equipment.
7. The waste shall be treated in a facility which is equipped with proper ventilation.
8. The waste shall be treated in a facility which is equipped with proper lighting.
9. The waste shall be treated in a facility which is equipped with proper access roads.
10. The waste shall be treated in a facility which is equipped with proper drainage.

Part 1005—BIRMINGHAM STANDARDS FOR OWNERS AND TREATMENT OF HAZARDOUS WASTE DISCHARGE FACILITIES

For the purpose of this article, the following definitions shall apply: Hazardous waste is any waste which is highly flammable, highly explosive, highly reactive, or highly toxic. The following standards shall apply to all owners and operators of hazardous waste discharge facilities:

1. The facility shall be designed and constructed in accordance with the following standards:
2. The facility shall be located in an area which is not a residential or business district.
3. The facility shall be surrounded by a fence at least six feet high.
4. The facility shall be equipped with fire extinguishers and other fire fighting equipment.
5. The facility shall be equipped with spill containment equipment.
6. The facility shall be equipped with proper ventilation.
7. The facility shall be equipped with proper lighting.
8. The facility shall be equipped with proper access roads.
9. The facility shall be equipped with proper drainage.
10. The facility shall be equipped with proper waste handling equipment.

The following standards shall apply to the treatment of hazardous waste:

1. The waste shall be treated in accordance with the following standards:
2. The waste shall be treated in a facility which is designed and constructed in accordance with the following standards:
3. The waste shall be treated in a facility which is located in an area which is not a residential or business district.
4. The waste shall be treated in a facility which is surrounded by a fence at least six feet high.
5. The waste shall be treated in a facility which is equipped with fire extinguishers and other fire fighting equipment.
6. The waste shall be treated in a facility which is equipped with spill containment equipment.
7. The waste shall be treated in a facility which is equipped with proper ventilation.
8. The waste shall be treated in a facility which is equipped with proper lighting.
9. The waste shall be treated in a facility which is equipped with proper access roads.
10. The waste shall be treated in a facility which is equipped with proper drainage.

Part 1006—BIRMINGHAM STANDARDS FOR OWNERS AND TREATMENT OF HAZARDOUS WASTE DISCHARGE FACILITIES

For the purpose of this article, the following definitions shall apply: Hazardous waste is any waste which is highly flammable, highly explosive, highly reactive, or highly toxic. The following standards shall apply to all owners and operators of hazardous waste discharge facilities:

1. The facility shall be designed and constructed in accordance with the following standards:
2. The facility shall be located in an area which is not a residential or business district.
3. The facility shall be surrounded by a fence at least six feet high.
4. The facility shall be equipped with fire extinguishers and other fire fighting equipment.
5. The facility shall be equipped with spill containment equipment.
6. The facility shall be equipped with proper ventilation.
7. The facility shall be equipped with proper lighting.
8. The facility shall be equipped with proper access roads.
9. The facility shall be equipped with proper drainage.
10. The facility shall be equipped with proper waste handling equipment.

The following standards shall apply to the treatment of hazardous waste:

1. The waste shall be treated in accordance with the following standards:
2. The waste shall be treated in a facility which is designed and constructed in accordance with the following standards:
3. The waste shall be treated in a facility which is located in an area which is not a residential or business district.
4. The waste shall be treated in a facility which is surrounded by a fence at least six feet high.
5. The waste shall be treated in a facility which is equipped with fire extinguishers and other fire fighting equipment.
6. The waste shall be treated in a facility which is equipped with spill containment equipment.
7. The waste shall be treated in a facility which is equipped with proper ventilation.
8. The waste shall be treated in a facility which is equipped with proper lighting.
9. The waste shall be treated in a facility which is equipped with proper access roads.
10. The waste shall be treated in a facility which is equipped with proper drainage.

# Reader Aids

Federal Register

Vol. 47, No. 6

Monday, January 11, 1982

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**AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK**

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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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**

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 January 6, 1982

