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Monday
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Presidential Documents

Title 3—

The President

Proclamation 4915 of March 25, 1982

National Defense Transportation Day and National Transportation Week, 1982

By the President of the United States of America

A Proclamation

Transportation is essential to the development, defense, and enjoyment of our country. Pacing the evolution of our nation, transportation keeps America moving, producing, and growing.

Our earliest settlements flourished on the banks of our river systems—our first avenues of transportation that serve us still. Following trails blazed by the pioneers traveling west, the Interstate Highways remind us of the great strides we have taken in transportation.

Completion of the transcontinental railroad in 1869 ushered in a new era of transportation. Steel tracks stretched across the country to open the west, link our seacoasts, and strengthen American commerce.

From its humble beginnings at Kitty Hawk, the U.S. aviation industry has grown to include a vast network of airports and commercial and private aircraft that fly millions of people and an ever-increasing amount of cargo.

As our cities grew, transit systems developed to provide people with affordable and convenient transportation. This century brought the automobile, truck, intercity bus, and an expanded road system that includes thousands of miles of Interstate Highways.

The American maritime industry connects the inland and coastal ports of the United States with port cities around the globe and transports U.S. agricultural, mining, and industrial products to foreign shores.

Each of these elements of our transportation system also contributes to a vital concern—our national defense. The great capacity of our system to move supplies and to transport men and equipment in times of emergency is a cornerstone of our defense. It allows our nation to respond rapidly and in force to threats to our security anywhere in the world.

To recognize the critical importance of our transportation system and to honor the millions of Americans who build, operate, maintain, and safeguard this vital network, we designate one week each year as National Transportation Week.

By joint resolution, the Congress on May 16, 1957, requested the President to proclaim the third Friday in each May as National Defense Transportation Day, and by joint resolution of May 14, 1962, requested the President to designate the week in which that Friday falls as National Transportation Week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate Friday, May 21, 1982, as National Defense Transportation Day, and the week beginning May 16, 1982, as National Transportation Week.

IN WITNESS WHEREOF, I have hereunto set my hand this 25th day of March, in the year of our Lord nineteen hundred and eighty-two, and of the Independence of the United States of America the two hundred and sixth.

Ronald Reagan

[FR Doc. 82-8528
Filed 3-26-82; 11:34 am]
Billing code 3195-01-M

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

Office of the Secretary

7 CFR Part 2

Secretary of Agriculture and Officers of the Department; Revision of Delegations of Authority

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This document revises the delegations of authority from the Secretary of Agriculture and General Officers of the Department to reflect recent legislative requirements and to make minor editorial changes.

EFFECTIVE DATE: March 29, 1982.

FOR FURTHER INFORMATION CONTACT: Charles E. Soisson, Chief, Personnel Programs, Personnel Division, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202–382–1590).

SUPPLEMENTARY INFORMATION: The delegations of authority to the Under Seretary for International Affairs and Commodity Programs and the Administrator, Foreign Agricultural Service, are amended to accurately reflect changes required by recent legislation. The requirements of the following legislation are reflected in the delegations of authority: The Agricultural Trade Act of 1978, the Trade Agreements Act of 1979, and the Foreign Service Act of 1980. Amendments of the delegations also contain minor editorial changes.

This rule relates to internal agency management and organization. Therefore, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect thereto are impractical and contrary to the public interest, and good cause is found for making this rule effective less than 30 days after publication in the **Federal Register.** Further, since this rule relates to internal agency management and organization, it is exempt from provisions of Executive Order 12291 and Secretary's Memorandum 1512–1.

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Accordingly, Part 2, Subtitle A, Title 7 Code of Federal Regulations is amended as follows:

1. The authority citation for Part 2 reads as follows:

Authority: 5 U.S.C. 301 and Reorganization Plan No. 2 of 1953, unless otherwise noted.

Subpart C—Delegations of Authority to the Deputy Secretary, the Under Secretary for International Affairs and Commodity Programs, the Under Secretary for Small Community and Rural Development, and Assistant Secretaries

§ 2.21 [Amended]

2. Section 2.21 is amended by removing the term "Trade Expansion Act Advisory Committee" in paragraph (d)(1) and adding in lieu thereof the term "Trade Policy Committee", by removing the term ", Pub. L. 320, 74th Congress" in paragraph (d)(2) and adding in lieu thereof the term "of the Act of August 23, 1935, as amended", and by removing the term "(19 U.S.C. 1356 f–j)" in paragraph (d)(6) and by adding in lieu thereof the term "(19 U.S.C. 1356f)".

3. Section 2.21 is further amended by revising paragraphs (d)(4), (d)(5), (d)(7), (d)(11), (d)(13), (d)(23), (d)(26), and (d)(28) and by adding new paragraphs (d)(30) and (31) to read as follows:

§ 2.21 Delegations of authority to the Under Secretary for International Affairs and Commodity Programs.

* * * * *

(d) *Related to foreign agriculture.* * * *

(4) Conduct functions of the Department relating to the General Agreement on Tariffs and Trade (GATT), the Trade Expansion Act of 1962 (19 U.S.C. 1801 et seq.), the Trade Act of 1974 (19 U.S.C. 2101 et seq.), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), and other legislation affecting international agricultural trade including the programs designed to reduce foreign tariffs and other trade barriers.

(5) Maintain a worldwide agricultural intelligence and reporting system, including provision for foreign agricultural representation abroad to protect and promote U.S. agricultural interests, and to acquire information on demand, competition, marketing, and distribution of U.S. agricultural commodities abroad pursuant to Title VI of the Agricultural Act of 1954, as amended (7 U.S.C. 1761–1768).

* * * * *

(7) Administer functions of the Department relating to import controls including, among others, functions under section 22 of the Agriculture Adjustment Act (of 1933), as amended (7 U.S.C. 624), Section 2 of Pub. L. 88–482, as amended by Pub. L. 96–177, and section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854) but not including those functions reserved to the Secretary under § 2.22(d) and those relating to section 8e of the Agricultural Adjustment Act (of 1933), as amended (7 U.S.C. 608e–1), as assigned to the Assistant Secretary for Marketing and Inspection Services.

* * * * *

(11) Formulate policies and administer programs under section 5(f) of the CCC Charter Act (15 U.S.C. 714c(f)), and section 4, Pub. L. 89–808, as amended (7 U.S.C. 1707a) to finance commercial export credit sales of agricultural commodities by U.S. exporters.

* * * * *

(13) Negotiate and implement agreements between Commodity Credit Corporation and private trade entities to finance the sales and exportation of agricultural commodities for dollars on long-term credit under Title I of Pub. L. 480 (7 U.S.C. 1707), and section 201, Pub. L. 95–501 (7 U.S.C. 1707b).

* * * * *

(23) Administer that program under section 812 of the Agricultural Act of 1970, as amended (7 U.S.C. 612c–3) relating to exports sales contract reporting operations.

* * * * *

(26) Exercise the Department's responsibilities as regards the determination of import quota levels for cheese imposed pursuant to section 701 of the Trade Agreements Act of 1979.

* * * * *

(28) Establish and administer regulations relating to foreign travel by employees of the Department. Regulations will include, but not be limited to, obtaining and controlling passports, obtaining visas, coordinating Department of State medical clearances and imposing requirements for itineraries and contacting the Foreign Agricultural Affairs Officers upon arrival in the Officers' country(ies) of responsibility.

* * * * *

(30) Administer the Foreign Service personnel system for the Department in accordance with Pub. L. 96–465 (22 U.S.C. 3922).

(31) Establish and maintain U.S. Agricultural Trade Offices, to develop, maintain and expand international markets for U.S. agricultural commodities in accordance with Title IV of Pub. L. 95–501 (7 U.S.C. 1765 a–g).

* * * * *

Subpart H—Delegations of Authority by the Under Secretary for International Affairs and Commodity Programs

§ 2.65 [Amended]

4. Section 2.65 is amended by removing the term "Food Safety and Inspection Service" in paragraph (a)(28) and by adding in lieu thereof, the term "Agricultural Marketing Service".

§ 2.68 [Amended]

5. Section 2.68 is amended by removing the terms "Director, Office of International Cooperation and Development" and "Trade Expansion Act Advisory Committee" in paragraph (a)(1) and by adding in lieu thereof the terms "Administrator, Office of International Cooperation and Development" and "Trade Policy Committee" respectively, and by removing the term, "Pub. L. 320, 74th Congress" in paragraph (a)(5) and by adding in lieu thereof the term "of the Act of August 23, 1935, as amended" and by removing the term "(19 U.S.C. 1356 f–j) in paragraph (a)(6) and by adding in lieu thereof the term "(19 U.S.C. 1356f)".

6. Section 2.68 is further amended by revising paragraphs (a)(2), (a)(7), (a)(13), (a)(15), (a)(16), (a)(19), (a)(28), and (a)(30), and by adding new paragraphs (a)(33) and (a)(34) as follows:

§ 2.68 Administrator, foreign agricultural service.

(a) *Delegations.* * * *

(2) Conduct functions of the Department relating to the General Agreement on Tariffs and Trade (GATT), the Trade Expansion Act of 1962 (19 U.S.C. 1801 et seq.), the Trade Act of 1974 (19 U.S.C. 2101 et seq.), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), and other legislation affecting international agricultural trade including the programs designed to reduce foreign tariffs and other trade barriers.

* * * * *

(7) Administer functions of the Department relating to import controls including, among others, functions under section 22 of the Agriculture Adjustment Act (of 1933), as amended (7 U.S.C. 624), Section 2 of Pub. L. 88–482, as amended by Pub. L. 96–177, and section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854) but not including those functions reserved to the Secretary under § 2.22(d) and those relating to section 8e of the Agricultural Adjustment Act (of 1933), as amended (7 U.S.C. 608e–1), as assigned to the Assistant Secretary for Marketing and Inspection Services.

* * * * *

(13) Exercise the Department's responsibilities as regards the determination of import quota levels for cheese imposed pursuant to section 701 of the Trade Agreements Act of 1979.

* * * * *

(15) Administer that program under section 812 of the Agricultural Act of 1970, as amended (7 U.S.C. 612c–3) relating to export sales contract reporting operations.

(16) Formulate policies and administer programs under section 5(f) of the CCC Charter Act (15 U.S.C. 714c(f)), and section 4, Pub. L. 89–808, as amended (7 U.S.C. 1707a) to finance commercial export credit sales of agricultural commodities by U.S. exporters.

* * * * *

(19) Negotiate and implement agreements between Commodity Credit Corporation and private trade entities to finance the sales and exportation of agricultural commodities for dollars on long-term credit under Title I of Pub. L. 480 (7 U.S.C. 1707), and Section 201, Pub. L. 95–501 (7 U.S.C. 1707b).

* * * * *

(28) Maintain a worldwide agricultural intelligence and reporting system, including provision for foreign agricultural representation abroad to protect and promote U.S. agricultural interests, and to acquire information on demand, competition, marketing, and distribution of U.S. agricultural commodities abroad pursuant to Title VI of the Agricultural Act of 1954, as amended (7 U.S.C. 1761–1768).

* * * * *

(30) Establish and administer regulations relating to foreign travel by employees of the Department. Regulations will include, but not be limited to, obtaining and controlling passports, obtaining visas, coordinating Department of State medical clearances and imposing requirements for itineraries and contacting the Foreign Agricultural Affairs Officers upon arrival in the Officers' country(ies) of responsibility.

* * * * *

(33) Administer the Foreign Service personnel system for the Department in accordance with Pub. L. 96–465 (22 U.S.C. 3922).

(34) Establish and maintain U.S. Agricultural Trade Offices, to develop, maintain and expand international markets for U.S. agricultural commodities in accordance with Title IV of Pub. L. 95–501 (7 U.S.C. 1765a–g).

7. Section 2.68 is further amended by correcting the citation "(7 U.S.C. 2901–1918)" in paragraph (a)(29) to read as "(7 U.S.C. 2901–2918)". For Subpart C:

Dated: March 24, 1982.

John R. Block,

Secretary of Agriculture.

For Subpart H.

Dated: March 24, 1982.

Seeley G. Lodwick,

Under Secretary for International Affairs and Commodity Programs.

[FR Doc. 82–8294 Filed 3–26–82; 8:45 am]

BILLING CODE 3410–01–M

Animal and Plant Health Inspection Service

7 CFR Part 301

Golden Nematode Quarantine

Correction

In FR Doc. 82–7641, published at page 12328, on Tuesday, March 23, 1982, make the following corrections:

1. On page 12331, in the third column, in paragraph "3.", in the third line, "subparagraph (l)," should be corrected to read "subparagraph (1),".

2. Also on page 12331, in the third column, in "§ 301.85–2a", in the first line of text, "(l)" should be corrected to read "(1)".

BILLING CODE 1505–01–M

Agricultural Marketing Service

7 CFR Part 907

Expenses and Rate of Assessment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes expenses of the Navel Orange Administrative Committee functioning under Marketing Order 907. Funds to administer this program are derived from assessments on handlers of navel oranges regulated under the order.

EFFECTIVE DATES: November 1, 1981–October 31, 1982.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Room 2532 South Building, Washington, D.C. 20250, telephone (202) 447–5975.

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

The marketing order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based on the recommendation submitted by the Navel Orange Administrative Committee (NOAC) established under the marketing order, and upon other available information. It is found that the expenses and rate of assessment, as hereinafter provided, will tend to effectuate the declared policy of the act.

Is is further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rulemaking, and good cause exists for not postponing the effective date until 30 days after publication in the **Federal Register** (5 U.S.C 553). The order requires that the rate of assessment for the fiscal period shall apply to all assessable navel oranges handled from the beginning of such period. To enable the committee to meet current fiscal obligations, approval of expenses is necessary without delay. It is necessary to effectuate the declared policy of the act to make these provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

PART 907—NAVEL ORANGES GROWN IN CALIFORNIA AND ARIZONA

Therefore, § 907.219 is added to read as follows (the following section prescribes the annual expenses and the rate of assessment and will not be published in the Code of Federal Regulations):

§ 907.219 Expenses and assessment rate.

Expenses of $855,530 by the Navel Orange Administrative Committee are authorized, and an assessment rate of $0.022 per carton of navel oranges is established for the fiscal year ending October 31, 1982; and a portion of unexpended funds from the fiscal year ended October 31, 1981, shall be carried over as a reserve in accordance with § 907.42.

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

Dated: March 22, 1982.

D. S. Kuryloski,

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

[FR Doc. 82–8312 Filed 3–26–82; 8:45 am]

BILLING CODE 3410–02–M

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7 CFR Part 932

Olives Grown in California

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule amends reporting requirements for olive handlers by (1) relieving them of the obligation to report olive sales by the State in which sold and (2) changing the styles of olives reported to correspond with industry usage. This action is necessary to clarify handler reporting requirements.

DATE: Effective March 29, 1982.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, telephone (202) 447–5975.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

Information collection requirements contained in this regulation (Section 932.161) have been approved by the Office of Management and Budget under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB# 0581–0096.

This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers. The rule is issued under the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932), regulating the handling of olives grown in California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The amendment is based upon recommendations and information submitted by the Olive Administrative Committee, established under the marketing order, and upon other information. It is found that this action will tend to effectuate the declared policy of the act.

The amendment of § 932.161—Reports (Subpart §§ 932.108–932.161) deletes the requirement that handlers report sales of packaged olives by State. This information was used by the committee as a basis for allocation of market development funds. However, due to modern warehousing practices and transshipment of packaged olives after storage, detailed information of State by State sales is no longer needed in the formulation of the committee's market development plans. The amendment also (1) replaces the term "quartered" in the list of olive styles for which handlers must report with the term "segmented (wedged)", (2) adds the requirement that handlers report the quantity of "acidified" olives in utilization of limited use size olives, and (3) eliminates the requirement for reporting whole and whole pitted styles used for limited use olives. These changes are necessary to correspond with industry usage.

It is found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date of this regulation until 30 days after publication in the **Federal Register** (5 U.S.C. 553), and good cause exists for making this rule effective as specified in that (1) this action was recommended by the Olive Administrative Committee at a public meeting at which all interested parties were afforded an opportunity to express their views; (2) the handling of the 1981 crop of olives has begun and it is necessary that this action become effective on the date specified to effectuate the declared policy of the act; (3) handlers are aware of the change in reporting requirements; and (4) compliance with this amendment will require no special preparation by handlers which cannot be completed by the effective date hereof.

PART 932—OLIVES GROWN IN CALIFORNIA

Therefore, the introductory text of paragraph (b)(1), (b)(1)(iv), the last sentence of (b)(1), (c), (d)(2), (e)(2), and (f)(2) of § 932.161 of Subpart—Rules and

Regulations (7 CFR 932.108–932.161), are revised to read as follows:

§ 932.161 Reports.

* * * * *

(b) *Sales reports.* (1) Each handler shall submit to the committee, on OAC Form 21 as provided by the committee, for each month and not later than the 15th day following the end of that month, a report showing the handler's total sales of packaged olives to commercial outlets in the United States, to governmental agencies, and to foreign countries. Such sales shall be reported in the following categories:

* * * * *

(iv) Halved, segmented (wedged), and sliced styles of canned ripe olives in all types of containers.

The quantity in each category shall be reported in terms of the equivalent number of cases of 24 No. 300 (300×407) size cans.

* * * * *

(c) *Report of handler's utilization of limited size olives.* Each handler shall submit to the committee, on a form provided by the committee, upon completion of the handler's canning season, but not later than August 1st of each crop year, a report showing the quantities of limited canning size olives used in (1) halved; (2) segmented (wedged); (3) sliced; (4) chopped or minced; (5) acidified; (6) Spanish olives; (7) Sicilian style olives; (8) Greek style olives; (9) olive oil; (10) olives dumped; and (11) any other use (specify such use).

(d) * * *

(2) Halved, sliced, segmented (wedged), and chopped or minced styles of packaged olives of the ripe or green ripe type shall be reported in terms of the quantity of each style packaged in each of the container sizes listed on OAC Form 27B except that the committee may require such reporting in terms of the equivalent number of cases of 24 No. 300 (300×407) size cans.

(e) * * *

(2) The total tonnage of processed olives of the ripe and green ripe types, held in storage by the handler, which are of sizes that may be used in the production of packaged olives of the halved, sliced, segmented (wedged), or chopped or minced style shall be reported on OAC Form 27b.

(f) * * *

(2) Halved, sliced, segmented (wedged), and chopped or minced styles of packaged olives of the ripe or green ripe type shall be reported in terms of the quantity of each style packaged in each of the container sizes listed on OAC Form 28b except that the committee may require such reporting in terms of the equivalent number of cases of 24 No. 300 (300×407) size cans.

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

Dated: March 22, 1982.

D. S. Kuryloski,

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

[FR Doc. 82-8366 Filed 3-26-82; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 979

Melons Grown in South Texas; Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This continuing regulation requires fresh market shipments of melons grown in designated counties in South Texas to be inspected and meet minimum grade, quality and container requirements. It should promote orderly marketing of such melons and keep less desirable qualities from being shipped to consumers.

EFFECTIVE DATE: May 1, 1982.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250 (202) 447–2615. The Final Impact Analysis relating to this proposed rule is available upon request from Mr. Porter.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

Information collection requirements contained in this regulation (§ 979.304) have been approved by the Office of Management and Budget under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB #0581–0076.

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

Marketing Agreement No. 156 and Order No. 979 (7 CFR Part 979) regulate the handling of melons grown in designated counties of South Texas. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The South Texas Melon Committee, established under the order, is responsible for its local administration.

Notice was published in the January 6, 1982 **Federal Register** (47 FR 631) regarding the proposal. It afforded interested persons an opportunity to file written comments by March 8, 1982. None was filed.

This continuing regulation is based upon unanimous recommendations made by the committee at its public meeting at McAllen, Texas, on December 8, 1981. The recommendations of the committee reflect its appraisal of the expected volume and composition of the 1982 spring crop of South Texas melons and of the marketing prospects for this and future shipping seasons.

The regulation benefits consumers and producers by standardizing and improving the quality of melons shipped from the production area. The grade requirements prevent melons of poor quality from being shipped to fresh market outlets. Not more than 50 percent of the melons in any lot can fail the requirements for U.S. commercial grade. A tolerance of 20 percent is allowed for serious damage of which not more than 10 percent can be for melons affected by soft decay. Black surface discoloration is not considered a defect. Individual cartons must contain at least 25 percent U.S. Commercial quality melons.

The container requirements prevent the shipment of bulk loads of packing house culls which adversely affect the reputation and return of packed South Texas melons. However, the containers required are those customarily packed for the retail trade.

Exceptions are provided to certain of these handling requirements to recognize special situations in which such requirements are inappropriate or unreasonable. Up to 120 pounds of melons may be handled, other than for resale, per day by a handler without regard to requirements of this section in order to avoid placing an unreasonable burden on persons handling noncommerical quantities of melons.

The requirements with respect to special purpose shipments allow the shipment of melons for charity, relief, canning and freezing. Shipments of melons for canning or freezing are exempt under the legislative authority for this part. Shipments for charity or relief are exempt since no useful purpose would be served by regulating such shipments.

These standardization and marketing efficiency types of regulation will have no measurable effect on the quantity of melons shipped from South Texas, nor will there be discernable effect on U.S. retail melon prices. This regulation

should enable the South Texas melon industry to better compete with major melon producing areas in California and Arizona, as well as Mexico, by ensuring the use of grades, sizes and containers acceptable to buyers.

Requirements contained in this handling regulation, effective May 1, 1982, will continue in effect from marketing season to marketing season indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the committee or other information available to the Secretary. Heretofore, regulations issued under the marketing order were made effective for a single marketing season. However, virtually the same requirements have been imposed each season since 1979. The change to issue regulations which continue in effect from marketing season to marketing season reflects the fact that regulations would probably continue to change infrequently from season to season and it is believed unnecessary to issue them for only a single season. In addition, the change could result in a reduction in operational costs to the committee and the government. Although the final regulation will be effective for an indefinite period, the committee will continue to meet prior to or during each season to consider recommendations for modification, suspension, or termination of the regulation. Prior to making any such recommendations, the committee will submit to the Secretary a marketing policy for the season in accordance with § 979.50 of the order, including an analysis of supply and demand factors having a bearing on the marketing of the crop. Committee meetings are open to the public and interested persons may express their views at these meetings. Interested persons may file comments concerning the committee recommendation with Charles W. Porter, Chief, Vegetable Branch, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250, before March 1 each year. The Department will evaluate committee recommendations and information submitted by the committee, comments filed, and other available information, and determine whether modification, suspension, or termination of the regulations on shipments of South Texas melons would tend to effectuate the declared policy of the act. Any such changes in the handling regulation will be published in the Federal Register.

Findings. After consideration of all relevant matters, including the proposal set forth in the notice, it is hereby found that the handling regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

PART 979—MELONS GROWN IN SOUTH TEXAS

§ 979.303 [Removed]

Section 979.303 (46 FR 22356, April 17, 1981, and 46 FR 29695, June 3, 1981) is hereby removed and a new § 979.304 is added as follows:

§ 979.304 Handling regulation.

During the period beginning May 1 and ending on June 30 each season no person shall handle cantaloup or honeydew melons unless they meet the requirements of paragraphs (a) through (c), (d) or (e) and (f) of this section.

(a) *Grade requirements.* Not more than 50 percent of the melons in any lot may fail to meet the requirements of U.S. Commercial grade except no more than 20 percent shall be allowed for serious damage, and including in this latter amount not more than 10 percent for melons affected by soft decay. Black surface discloration shall not be considered as a grade defect with respect to such grade. Individual cartons shall contain not less than 25 percent U.S. Commercial or better quality.

(b) *Container requirements.* (1) Except as provided in paragraphs (b)(4), (d) or (e) and (f) of this section all cantaloups shall be packed in fiberboard cartons with inside dimensions of not more than 17¼ nor less than 16¾ inches in length, not more than 13 nor less than 12¾ inches in width, and not more than 10⅝ nor less than 9¾ inches in depth. All honeydew melons shall be packed in fiberboard cartons with inside dimensions of 17 inches long by 15¼ inches wide and not more than 7½ inches nor less than 6½ inches deep. A tolerance of ¼ inch for each dimension shall be permitted.

(2) Each carton shall be marked to indicate the count; the name, address, and zip code of the shipper; the name of the product; and the words "Produce of U.S.A." or "Product of U.S.A."

(3) If the carton in which the melons are packed is not clean and bright in appearance without marks, stains, or other evidence of previous use, the carton shall be conspicuously marked with the words "USED BOX" in letters not less than three-fourths (¾) inch high.

(4) These container requirements shall not be applicable to melons sold to Federal agencies.

(c) *Inspection.* (1) No handler may handle any melons regulated hereunder except pursuant to paragraphs (d) or (e) and (f) of this section unless an inspection certificate has been issued covering them and the certificate is valid at the time of shipment.

(2) No handler may transport by motor vehicle or cause such transportation of any shipment of melons for which an inspection certificate is required unless each such shipment is accompanied by a copy of the inspection certificate applicable thereto or by documentary evidence on forms furnished by the committee identifying truck lots to which a valid inspection certificate is applicable. A copy of such inspection certificate or committee document shall be surrendered upon request to authorities designated by the committee.

(3) For purposes of operation under this part each inspection certifcate or committee form required as evidence of inspection is hereby determined to be valid for a period not to exceed 72 hours following completion of inspection as shown on the certificate.

(4) Designated inspection stations will be located at the Texas Federal Inspection Service office, 1301 W. Expressway, Alamo (Phone (502) 787–4091 or 6881) and the Matt Dietz Packing Co., 4700 N. Santa Maria, Laredo (Phone (512) 723–9178 or 9170), to be available for handlers who do not have permanent packing facilities recognized by the committee.

(5) Handlers shall pay assessments on all assessable melons according to the provisions of § 979.42, at the rate of ¾¢ per carton.

(d) *Minimum quantity exemption.* Any handler may handle, other than for resale, up to, but not to exceed 120 pounds net weight of melons per day without regard to the provisions of §§ 979.42, 979.52, 979.60, and 979.80, but this exemption shall not apply to any shipment or any portion thereof of over 120 pounds of melons.

(e) *Special purpose shipments.* (1) The requirements of paragraphs (a) through (c) of this section shall not apply to shipments for charity, relief, canning and freezing if a handler presents a Certificate of Privilege for such melons prior to handling them in accordance with § 979.155.

(2) Melons failing to meet the requirements of paragraphs (a) through (c) of this section and not exempt under paragraphs (d) or (e), and all melons discarded from the grading table shall either be mechanically spiked or mutilated or handled for special purpose outlets in accordance with § 979.152.

(f) *Safeguards.* Each handler making shipments of melons for relief, charity, canning or freezing under paragraph (e) of this section shall:

(1) Notify the committee of the intent to ship melons under paragraph (e) of

this section by applying on forms furnished by the committee for a Certificate of Privilege applicable to such special purpose shipments.

(2) Obtain an approved Certificate of Privilege.

(3) Prepare on forms furnished by the committee a special purpose shipment report for each individual shipment.

(4) Forward copies of the special purpose shipment report to the committee office and to the receiver with instructions to the receiver to sign and return a copy to the committee's office. Failure of the handler or receiver to report such shipments by promptly signing and returning the applicable special purpose shipment report to the committee office shall be cause for suspension of such handler's Certificate of Privilege applicable to such shipments.

(g) *Definitions.* "U.S. melon standards" mean the United States Standards for Grades of Cantaloups (7 CFR 2851.475–2851.494c), or the United States Standards for Grades of Honey Dew and Honey Ball Type Melons (7 CFR 2851.3740–2851.3749), whichever is applicable, or variations thereof specified in this section. The term "U.S. Commercial" shall have the same meaning as set forth in these standards.

All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 156 and this part.

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

Dated March 22, 1982 to become effective May 1, 1982.

D. S. Kuryloski,

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

[FR Doc. 82-8317 Filed 3-26-82; 8:45 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation

7 CFR Part 1434

Honey Price Support Regulations Governing 1982 and Subsequent Crops

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Interim rule.

SUMMARY: The purpose of this interim rule is to revise the Honey Price Support Regulations Governing 1982 and Subsequent Crops to: (1) Include availability requirements for honey producers; (2) change the final availability date for the filing of a purchase agreement; (3) change the loan maturity date; (4) include sunflower as an acceptable floral source for table honey; and (5) conform certain provisions of these regulations to the General Price Support Regulations found at 7 CFR Part 1421.

DATE: Effective March 26, 1982.

ADDRESS: Interested persons may send comments to the Director, Cotton, Grain, and Rice Price Support Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013, (202) 447–7641.

FOR FURTHER INFORMATION CONTACT: Carolyn E. Cozart, Cotton, Grain, and Rice Price Support Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013, (202) 447–7987. The Final Impact Statement describing the options considered in developing this rule and the impact of implementing each option is available upon request from the above-named individual.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures established in accordance with provisions of Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been classified "not major." It has been determined that these program provisions will not result in: (1) An annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program that this interim rule applies to are: Commodity Loans and Purchases; 10.051, as found in the Catalog of Federal Domestic Assistance.

This action will not have a significant impact specifically on area and community development. Therefore, a review as established by Office of Management and Budget Circular A–95, was not used to assure that units of local government are informed of this action.

It has been determined that the Regulatory Flexibility Act is not applicable to this interim rule since CCC is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

The loan and purchase availability dates, the dates when honey producers may obtain price support loans or enter into purchase agreements with Commodity Credit Corporation (CCC) will be included with the continuing program regulations and not be published on an annual basis. The loan and purchase availability dates and the loan maturity date were previously published in annual crop supplements.

The final availability date by which a honey producer must file a purchase agreement with CCC as provided in 7 CFR 1434.6 of the regulations is being changed from June 30 to January 31 and the expiration date is being changed from June 30 to April 30 of the year following the year in which the honey was produced and extracted. Previously, the regulations provided that the final availability date such purchase agreement could be filed with CCC and the expiration date was June 30 and was specified in the annual crop supplement. The change in availability date from June 30 to January 31 and the expiration date from June 30 to April 30 is necessary for orderly administration of the program. The change in dates will provide continuity between the final program date for loan and purchase availability.

As a result of a large increase in sunflower production and many requests for the addition of sunflower honey as an additional floral source, § 1434.7(b)(1) of the regulations is being revised to add sunflower as an acceptable floral source for table honey.

This rule also revises § 1434.8(c) of the regulations which sets forth the requirements concerning the type of containers which must be used for honey which is to be placed under price support. Under current regulations, honey stored in bung-type and fiber glass containers is unacceptable due to contamination problems. The revised regulations provide that, in addition, honey stored in drums containing removable liners will not be accepted under the price support program. It is felt that honey stored in these drums is more susceptible to contamination than other containers.

The current regulations provide that price support is available for farm-stored honey in bulk. Program problems related to forfeitures of 1980-crop farm-stored honey in bulk have occurred. CCC has been unable to accept delivery of such honey in bulk. If a producer forfeits honey to CCC and refuses to deliver the farm-stored bulk honey in eligible containers, then CCC must take action to recover the honey. This procedure is extremely burdensome since it requires use of the producer's equipment to liquefy the honey in order to remove it from the tank. In addition, CCC has to make arrangements for containers to be hauled to the location

of the honey, filling, sealing, and hauling of the containers to an approved warehouse for storage. The charges incurred in these operations are for the account of the producer. Accordingly, the regulations are being revised to prohibit the availability of price support for farm-stored honey in bulk.

Also, CCC has published regulations in the **Federal Register** on December 17, 1981, (46 FR 61442) setting forth a procedure whereby a late payment charge (expressed as a rule of interest) would generally be assessed against delinquent debts which are owed to the Corporation.

These regulations, which are found at 7 CFR Part 1403, are applicable to the honey price support program and have been incorporated by reference.

These regulations have futher been revised to remove reference to gender, to correct names, titles, and addresses, and to conform certain language with respect to price support in these regulations to the language regarding price support as found in the General Price Support Regulations at 7 CFR Part 1421. These technical changes in the honey price support regulations have been made in §§ 1434.1–1434.10; 1434.12–1434–13; § 1434.15, § 1434.17; § 1434.19; §§ 1434.21–1434.22; §§ 1434–24–1434.26; § 1434.28–1434.30; § 1434.32; and §§ 1434.34–1434.35.

I have determined that an emergency situation exists which warrants publication of this interim rule without prior opportunity for a public comment period since promulgation of this rule is necessary in order for price support to be made available on 1982-crop honey. However, comments are requested for 60 days after publication of this document (through May 28, 1982) and this interim rule will be scheduled for review so that a final document containing a discussion of the comments received and any amendment of this interim rule which may be required can be published in the **Federal Register** as soon as possible.

Interim Rule

Therefore, the General Regulations Governing Honey Price Support for 1982 and Subsequent Crops in this Part 1434 are revised as stated herein for the 1982 and subsequent crops of honey. The material previously appearing in this subpart remains in full force and effect as to the crops to which it was applicable. Accordingly, the regulations in 7 CFR 1434.1 through 1434.35 and the title of the subpart are revised to read as follows:

PART 1434—HONEY

* * * * *

Subpart—Honey Price Support Regulations Governing 1982 and Subsequent Crops

Sec.

1434.1 General statement.
1434.2 Administration.
1434.3 Eligible producers.
1434.4 Eligibility requirements.
1434.5 Miscellaneous requirements.
1434.6 Availability, disbursement, maturity, and expiration loans.
1434.7 Eligible honey.
1434.8 Ineligible honey.
1434.9 Approved storage.
1434.10 Warehouse receipts.
1434.11 Warehouse charges and packaging.
1434.12 Applicable forms.
1434.13 Liens.
1434.14 Fees and charges.
1434.15 Setoffs.
1434.16 Determination of quantity.
1434.17 Determination of quality.
1434.18 Interest rate and late payment charge.
1434.19 Transfer of producer's interest prohibited.
1434.20 Insurance.
1434.21 Loss or damage.
1434.22 Personal liability of the producer.
1434.23 Quantity for warehouse storage loans.
1434.24 Quantity for farm storage loans.
1434.25 Release of the honey under loan.
1434.26 Liquidation of farm storage loans.
1434.27 Liquidation of warehouse storage loans.
1434.28 Purchases from producers.
1434.29 Settlement.
1434.30 Foreclosure.
1434.31 Charges not to be assumed by CCC.
1434.32 Handling payments and collections not exceeding $3.
1434.33 Death, incompetency, or disappearance.
1434.34 Definitions.
1434.35 Kansas City Commodity Office and Management Field Office.

Authority: Sec. 4, 62 Stat. 1070, as amended (15 U.S.C. 714b); Sec. 5, 62 Stat. 1072 (15 U.S.C. 714c); secs. 201, 401, 63 Stat. 1052, 1054 (7 U.S.C. 1446, 1421).

§ 1434.1 General statement.

This subpart contains the regulations which set forth the requirements with respect to price support for the 1982 and each subsequent crop of extracted honey for which a price support program is authorized. Price support will be made available through loans on and purchases of eligible honey. Farm storage loans will be evidenced by notes and secured by chattel mortgages. Warehouse storage loans will be evidenced by notes and security agreements and secured by the pledge of warehouse receipts representing eligible honey in approved warehouse storage. The producer may also sell to the Commodity Credit Corporation any or all of the producer's eligible honey which is not security for a price support loan by delivering the honey to the Corporation. As used in this subpart, "CCC" means the Commodity Credit Corporation and "ASCS" means the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture.

§ 1434.2 Administration.

(a) *Responsibility.* The Cotton, Grain, and Rice Price Support Division, ASCS, will administer the regulations in this subpart under the general supervision and direction of the Deputy Administrator, State and County Operations, ASCS, in accordance with program provisions and policy determined by the CCC Board of Directors and the Executive Vice President, CCC. In the field the regulations in this subpart will be administered by State and county Agricultural Stabilization and Conservation committees (hereinafter called State and county committees, the Kansas City ASCS Commodity Office, and the ASCS Management Field Office.

(b) *Documents.* Any member of the county committee, the county executive director, or other employee of the county ASCS office (hereinafter called "county office") designated in writing by the county executive director to act in the county executive director's behalf (such delegation to be filed in the county office) is authorized to approve documents under this program, except where otherwise specified in the regulations in this subpart. These authorized individuals may also execute releases or otherwise obtain the release of record of financing statements and chattel mortgages filed by CCC to protect security in agricultural loan commodities upon payment in full of the loan involved. Such individuals may execute indemnity agreements on behalf of CCC where any county recording officer deems such indemnity agreement necessary to releasing a mortgage or security agreement of record.

(c) *Limitation of authority.* The authority conferred by this subpart to administer the honey price support program does not include authority to modify or waive any of the provisions of this subpart.

(d) *State committee.* The State committee may take any action which is authorized or required by this subpart to be taken by the county committee, but which has not been taken by such committee. The State committee may also: (1) Correct or require a county committee to correct any action which was taken by such county committee, but which is not in accordance with this

subpart, or (2) require a county committee to withhold taking any action which is not in accordance with this subpart.

(e) *Executive Vice President, CCC.* No delegation of authority herein shall preclude the Executive Vice President, CCC, or a designee, from determining any question arising under this subpart or from reversing or modifying any determination made pursuant to a delegation of authority in this subpart.

§ 1434.3 Eligible producers.

(a) *Producer.* An eligible producer shall be a person (i.e., an individual, partnership, association, corporation, estate, trust, or other legal entity) who extracts honey produced by bees owned by the producer.

(b) *Estates and trusts.* A receiver or trustee of an insolvent or bankrupt debtor's estate, an executor or an administrator of a deceased person's estate, a guardian of an estate or a ward of an incompetent person, and trustees of a trust estate shall be considered to represent the insolvent or bankrupt debtor, the deceased person, the ward or incompetent, and the beneficiaries of a trust, respectively, and the production of the receiver, executor, administrator, guardian, or trustee shall be considered to be the production of the person or estate represented by the executor or administrator. Loan or purchase documents executed by any such person will be accepted by CCC only if they are legally valid and such person has the authority to sign the applicable documents.

(c) *Eligibility of minors.* A minor who is otherwise an eligible producer shall be eligible for price support only if the minor meets one of the following requirements: (1) The right of majority has been conferred on the minor by court proceedings or by statute; (2) a guardian has been appointed to manage the minor's property and the applicable price support documents are signed by the guardian; (3) any note signed by the minor is cosigned by a financially responsible person; or (4) a bond is furnished under which a surety guarantees to protect CCC from any loss incurred for which the minor would be liable had the minor been an adult.

(d) *Approved cooperative.* A cooperative marketing association which is approved by the Executive Vice President, CCC, pursuant to Part 1425 of this chapter, to obtain price support on a crop of extracted honey may obtain price support on the eligible production of such crop of the honey on behalf of its members. The term "producer" as used in this subpart and on applicable price support forms shall refer both to an eligible producer as defined in paragraphs (a), (b), and (c) of this section and to such an approved cooperative marketing association.

(e) *Approval by county committee.* A producer may be denied price support on farm-stored honey if the producer has: (1) been convicted of a criminal act, (2) made a false misrepresentation in connection with any price support program; (3) made unlawful disposition of any loan collateral; or (4) caused the county committee difficulty in settling a loan due to failure to comply with the terms and conditions set forth in the note and security agreement or other instrument used in obtaining price support. The county committee may deny price support to such producer until it is satisfied that CCC will be fully protected against any possible loss other than loss assumed by CCC under the regulations in this subpart.

(f) *Joint loans.* (1) *Farm storage.* Two or more eligible producers may obtain a joint loan on eligible honey produced and extracted by them if such honey is stored in the same farm storage facility. However, in lieu of obtaining a joint loan, each producer may obtain an individual loan on that producer's share of the honey stored in separate containers if such producer obtains an agreement from the other producers having honey stored in the facility stating that they are aware that a portion of the honey in the storage facility is being placed under price support loan and they will obtain permission from the county office before removing any honey from the facility. (2) *Warehouse storage.* Two or more producers may obtain a warehouse storage loan if the warehouse receipt is issued jointly to such producers. Each producer who is a party to a joint loan will be jointly and severally responsible and liable for the breach of the obligations set forth in the loan documents and in the applicable regulations in this subpart.

(g) *Warehouse storage loans to warehousemen.* Except as provided in § 1434.10, warehouse storage loans may be made to a warehouseman who tenders to CCC, in the capacity as a producer, warehouse receipts issued by the warehouseman on honey produced and extracted by the warehouseman where the issuance and pledge of such warehouse receipts is permitted under State law.

§ 1434.4 Eligibility requirements.

(a) *Requesting price support.* In order to obtain price support on eligible honey, a producer must request a price support loan or notify the county office of an intention to sell honey by delivering a completed Purchase Agreement (Form CCC–614), no later than January 31 of the year following the year in which the honey was produced and extracted.

(b) *Beneficial interest.* To be eligible for price support, the beneficial interest in the honey must be in the producer tendering the honey as security for a loan or for purchase and must always have been in the producer or in such producer and a former producer whom he/she succeeded before such honey was extracted. However, heirs shall be elgible for price support as producers whether such succession occurs before or after extraction of honey, if such heirs: (1) Succeed to the beneficial interest of a deceased producer; (2) assume the decedent's obligation under a loan if a loan has already been obtained; and (3) assure continued safe storage of the honey if such honey has been placed under farm storage loan. A producer shall no be considered to have divested the beneficial interest in the honey if the producer enters into a contract to sell or gives an option to buy the honey and, under such contract or option, the producer retains control, risk of loss, and title to the honey. Honey purchased by a producer shall not be eligible for price support, except in the case of heirs of a deceased producer. If price support is made available through an approved cooperative marketing association, the beneficial interest in the honey must always have been in the producer-members who delivered the honey to the approved cooperative or its member cooperatives or must always have been in them and former producers whom they succeeded before the honey was extracted. Honey so delivered to a cooperative marketing association shall not be eligible for price support if the producer-members who delivered the honey to the cooperative or its member cooperatives do not retain the right to share in the proceeds from the marketing of the honey as provided in Part 1425 of this chapter.

(c) *Succession of interest.* To meet the requirements of succession to the beneficial interest of a former or deceased producer under paragraph (b) of this section, the rights, responsibilities, and interest of the former producer with respect to the ownership of the bees which produced honey shall have been substantially assumed by the person claiming succession. Mere purchase or inheritance of the honey before extraction without acquisition of any additional interest in the production unit shall not constitute succession to such beneficial interest.

(d) *Doubtful cases.* Any producer or cooperative in doubt as to whether the beneficial interest in the honey complies with the requirements of this section shall, before requesting price support, make available to the county committee all pertinent information which will permit a determination with respect to the beneficial interest to be made by CCC.

(e) *Redeemed loan collateral.* Before the final availability date, a producer may reoffer as security or repledge as collateral for a new loan any honey that has been previously so mortgaged or pledged.

§ 1434.5 Miscellaneous requirements.

(a) *Security.* The county office shall file or record, as required by State law, all chattel mortgages which cover honey under loan and stored on leased premises. The cost of filing and recording shall be for the account of CCC.

(b) *Revenue stamps.* Farm Storage Note, Chattel Mortgage and Security Agreements, and Warehouse Storage Note and Security Agreements must have State and documentary stamps revenue affixed thereto where required by law.

(c) *Restrictions in use of agents.* A producer shall not delegate to any person (or the person's representative) who has any interest in storing, processing, or merchandising honey which is otherwise eligible for price support under a program to which this subpart is applicable authority to exercise, on the behalf of the producer, any of the producer's rights or privileges under such program, including the authority to execute any note and security agreement or other price support document, unless the person (or the person's representative) to whom authority is delegated, is serving in the capacity of a farm manager for the producer.

§ 1434.6 Availability, disbursement, maturity, and expiration of loans.

(a) *Where to request price support.* A producer shall request price support on farm-stored honey at the county office of the county where the honey is stored. A producer shall request price support on warehouse-stored honey at the county office of the county where the warehouse is located or at the county office of the county where the beekkeeper is headquartered. An approved cooperative marketing association must request price support at the county office for the county in which the principal office of the cooperative is located unless the State committee designates some other county office. In the case of an approved cooperative marketing association having operations in two or more States, requests may be made at the county office for the county in which its principal office for each such State is located.

(b) *Availability, maturity, and expiration dates.* Price support loans and purchase agreements are available to producers as soon as the loan and purchase rates are announced but not earlier than April 1 of the year in which the honey is produced and extracted not later than January 31 of the year following the year in which the honey is produced and extracted. However, whenever the final date of availability falls on a nonworkday for county offices, the applicable final date shall be extended to include the next workday. Purchase agreements expire and price support loans mature on demand but not later than April 30 of the year following the year in which the honey is produced and extracted. However, when the final date of expiration or maturity falls on a nonworkday for county offices the applicable final date shall be extended to include the next workday.

(c) *Disbursement of loans.* Disbursement of loans will be made by county offices by drafts drawn on the account of CCC or by credit to the producer's account, except that loans may be disbursed by approved servicing banks to approved cooperative marketing associations. The loan documents shall not be presented for disbursement unless the honey covered by the mortgage or pledge is in existence, has been extracted and is in approved storage. If the honey was not either in existence, extracted, or in approved storage at the time of disbursement, the total amount disbursed under the loan shall be refunded promptly by the producer.

§ 1434.7 Eligible honey.

Honey must meet the requirements of this section in addition to other applicable eligibility requirements of this subpart in order to be eligible for a loan or for delivery under a loan or purchase. Honey described in § 1434.8 is not eligible for price support.

(a) *Production.* The honey must have been produced in the United States by an eligible producer during the calendar year for which price support is requested and extracted on or before December 31 of such calendar year.

(b) *Floral source.* Honey from the floral sources listed below and honey having similar flavor shall be eligible for price support and shall be classed as follows:

(1) *Table honey.* Table honey means honey having a good flavor of the predominant floral source which can be readily marketed for table use in all parts of the country. Such sources include alfalfa, bird's-foot trefoil, blackberry, brazil brush, catsclaw, clover, cotton, fireweed, gallberry, huajillo, knapweed (American), lima bean, mesquite, orange, raspberry, sage, saw palmetto, sourwood, soybean, star thistle (barnaby's thistle), sunflower, sweet clover, tupelo, vetch, western wild buckwheat, wild alfalfa, and similar mild flavors or blends of mild-flavored honeys as determined by the Director, Cotton, Grain, and Rice Price Support Division, ASCS.

(2) *Nontable honey.* Nontable honey means honey having a predominant flavor of limited acceptability for table use but which may be considered suitable for table use in areas in which it is produced. Such honeys include those with a predominant flavor of aster, athel, avocado, Brazilian pepper, buckwheat (except western wild buckwheat), cabbage palmetto, Chinese tallow, dandelion, eucalyptus, goldenrod, heartsease (smartweed), horsemint, kiawe, macadamia, mangrove, manzanita, mint, partridge pea, rattan vine, safflower, salt ceder (Tamarix Gallica), spanish needle, spikeweed, titi, toyon, tulip-poplar, wild cherry, and similarly-flavored honey or blends of such honeys as determined by the Director, Cotton, Grain, and Rice Price Support Division, ASCS.

(c) *Containers.* The honey must be packed in metal containers of a capacity of not less than 5 gallons or greater than 70 gallons. All containers shall meet the requirements of the Federal Food, Drug, and Cosmetic Act, as amended, and regulations issued thereunder.

(1) *Five-gallon.* The 5-gallon containers must hold approximately 60 pounds of honey and shall be new, clean, sound, uncased, and free from appreciable dents and rust. The handle of each container must be firm and strong enough to permit carrying the filled container. The cover and can opening must not be damaged in any way that will prevent a tight seal. Cans which are punctured or have been punctured and resealed by soldering will not be acceptable.

(2) *Steel drums.* Steel drums must be open-end type and filled up to but no closer than 4 inches from the top of the drums. In addition, such drums must be new or must be used drums which have been reconditioned inside and outside. They must be clean, treated to prevent rusting, and fitted with gaskets which provide a tight seal.

(d) *Moisture requirements for loans.* To be eligible for a warehouse storage loan, honey must not contain in excess of 18.5 percent moisture.

§ 1434.8 Ineligible honey.

(a) *Floral source.* Honey from the following floral sources is not eligible for price support regardless of whether it meets other eligibility requirements: Andromeda, bitterweed, broomweed, cajeput (melaleuca), chinquapin, dog fennel, desert hollyhock, gumweed, mescal, onion, prickly pear, prune, queen's delight, rabbit brush, snowbrush (Ceanothus), snow-on-the-mountain, tarweed, and similar objectionably-flavored honey or blends of honey as determined by the Director, Cotton, Grain, and Rice Price Support Division, ASCS. If any blends of honey contain such ineligible honey, the lot as a whole shall be considered ineligible for loan or delivery for purchase.

(b) *Contamination or poisonous substances.* Honey which is contaminated or which contains chemicals or other substances poisonous to humans or animals is not eligible for price support.

(c) *Containers.* Honey packed in steel drums which have removable liners of polyethylene or other materials or honey stored in bung-type drums or in bulk tanks is not eligible for price support regardless of whether it meets other eligibility requirements.

§ 1434.9 Approved storage.

(a) *Loans.* Loans will be made only on honey in approved storage as defined in this section.

(1) *Farm storage.* Approved farm storage shall consist of a storage structure located on or off the farm (excluding public or commercial warehouses) which is determined by the county committee to be under the control of the producer and to afford safe storage for honey. Producers may also obtain loans on honey packaged in eligible containers and stored on leased space in facilities owned by third parties in which the honey of more than one person is stored if the honey which is to be placed under loan and which is stored on such leased space is segregated from all other honey. Each container of the segregated quantity of honey shall be marked with the producer's name and lot number so as to identify the honey from other honey stored in the structure. If the honey which is to be pledged as collateral for a price support loan is stored on leased space, a copy of the lease shall be obtained by the county office before a loan is made. The lease shall authorize the producer and any person having an interest in the honey to enter on the premises to inspect and examine the honey and shall permit a reasonable time to such persons to remove the honey from the premises upon the termination of the lease.

(2) *Warehouse storage.* Approved warehouse storage or an approved warehouse shall consist of (i) a public warehouse for which a CCC Honey Storage Agreement is in effect and which is approved for price support purposes or (ii) a warehouse operated by an approved cooperative as defined in § 1434.3(d) and licensed to store honey under the United States Warehouse Act.

(b) *Segregation of loan collateral.* If the honey located in a storage structure is packaged in containers and is pledged as collateral that secures more than one loan, the honey must be segregated so as to preserve the identity of the honey securing each such loan. Honey in containers securing a loan must also be segregated from any honey not pledged as collateral for a price support loan which is stored in the same structure.

(c) *Purchases.* Purchases will be made by CCC without regard to whether the honey is in approved storage.

§ 1434.10 Warehouse receipts.

(a) *General.* Warehouse receipts representing honey to be placed under a warehouse storage loan, delivered in satisfaction of a farm storage loan, or delivered in accordance with purchase agreements must meet the requirements of this section, any other requirements contained in the regulations in this subpart, and in any notice in the **Federal Register** pertaining thereto. A separate warehouse receipt must be submitted for each class, color, floral source, quality, and grade of honey.

(b) *Manner of issuance and endorsement.* Warehouse receipts must be issued in the name of the eligible producer or CCC. If issued in the name of the eligible producer, the receipts must be properly endorsed in blank so as to vest title in the holder. Receipts must be issued by an approved warehouse and indicate that the honey is stored identity preserved in eligible containers. The receipts must be negotiable, must cover eligible honey actually in storage in the warehouse, and must be registered or recorded with appropriate State or local officials when required by State law.

(c) *Entries.* Each warehouse receipt or extracted honey inspection and weight certificate properly identified with the warehouse receipt must be issued in accordance with the Honey Storage Agreement or United States Warehouse Act, if applicable, and must show the following information:

(1) That the honey is stored identity preserved in containers;

(2) Number of containers;

(3) Size of containers;

(4) Gross weight;

(5) Net weight;

(6) Lot number;

(7) Average moisture for quantity represented by the receipt; and

(8) Class, color, floral source, and grade.

(d) *Extracted honey inspection and weight certificate.* When an extracted honey inspection and weight certificate is issued, it must show the following additional information:

(1) Warehouse receipt number;

(2) Lot number;

(3) Number and size of containers;

(4) Class, color, floral source, and grade; and

(5) Net weight.

(e) *Where warehouseman is also owner.* If the warehouse receipt is issued for honey which is owned by the warehouseman either solely, jointly, or in common with others, the fact of such ownership shall be stated on the receipt. In States where the pledge of warehouse receipts issued by a warehouseman on the warehouseman's honey is invalid under State law, the warehouseman may offer the honey to CCC for loan or purchase if such warehouse is licensed and operating under the United States Warehouse Act. In such States, if the warehouseman is not licensed and operating under the U.S. Warehouse Act, the warehouseman may deliver the honey to CCC for purchase if the warehouse receipt is issued in the name of CCC.

(f) *Insurance.* Each warehouse receipt representing honey stored in an approved warehouse which has a honey storage agreement with CCC shall indicate that the honey is insured in accordance with such agreement.

§ 1434.11 Warehouse charges.

Before the honey is placed under warehouse storage loan or acquired by purchase by CCC, the producer shall arrange for payment of storage, inspection, and all other charges (except receiving and loading-out charges in the warehouse in which the honey is acquired by CCC) accruing through the loan maturity date for the honey. Such charges shall include charges incident to weight and grade determinations on identity-preserved honey. CCC will not assume warehouse storage charges accuring through the loan maturity date for loans on honey acquired by CCC.

§ 1434.12 Applicable forms.

The forms for use in connection with this program shall be as follows: Form CCC–614, Purchase Agreement; Form CCC–677, Farm Storage Note and Security Agreement; Form CCC–678, Warehouse Storage Note and Security Agreement; Form CCC–679; Lien Waiver; Form CCC–681; Authorization for Removal of Farm Storage Collateral; Form CCC–681–1, Marketing Authorization for Loan Collateral; Form CCC–687–1, Approval to Commingle or Move Loan Collateral; Form CCC–691, Commodity Delivery Notice; Form CCC–692, Settlement Statement; Form CCC–864, Lienholder's Subordination Agreement; and such other forms as may be prescribed by CCC. These forms may be obtained in State and county offices.

§ 1434.13 Liens.

If there are any liens or encumbrances on the honey, waivers must be obtained which fully protect the interest of CCC even though the liens or encumbrances may be satisfied from the loan or purchase proceeds. Notwithstanding the foregoing provisions, a lienholder may execute a Lienholders Subordination Agreement (Form CCC–864) with CCC, in lieu of waiving a prior lien on the honey tendered as security for a loan, whereby the lienholder subordinates the security interest to the rights of CCC in the honey serving as collateral the loan or such other quantity of the honey as is delivered to CCC in satisfaction of a loan under applicable program provisions. No additional liens or encumbrances shall be placed on the honey after the loan is approved.

§ 1434.14 Fees and charges.

(a) *Loan service fee.* A producer shall pay a loan service fee of $10 for each farm storage loan disbursed plus $1 for each lot over one and $6 for each warehouse storage loan disbursed (plus $1 for each warehouse receipt over one). The loan service fee is not refundable.

(b) *Delivery charge.* A delivery charge of 1 cent per hundredweight, in addition to the service charge, shall be paid by producers on the quantity of honey delivered to CCC. In the case of farm storage loans, identity-preserved warehouse storage loans, and purchases, such delivery charge shall be paid at time of settlement.

§ 1434.15 Setoffs.

(a) *Farm storage facilities and drying equipment loans.* If the provisions of a note evidencing any loan made to a producer by CCC with respect to farm storage facilities and drying equipment permit any installments of such loan to be satisfied out of the amounts otherwise due a producer under the program, the amounts shall be applied to such installments after deduction of applicable fees and charges and amounts due prior lienholders.

(b) *Producers listed on claims control record.* If a producer is indebted to CCC or to any other agency of the United States and such indebtedness is listed on the ASCS county claims control record, any amounts otherwise due the producer under the program provided in this subpart shall be applied to such indebtedness in accordance with the regulations at 7 CFR Part 13 after deduction of any amounts which may be payable on loan installments for farm storage facilities or drying equipment and other amounts as provided in paragraph (a) of this section.

(c) *Producer's right.* Compliance with the provisions of this section shall not deprive the producer of any right the producer might otherwise have to contest the indebtedness involved in the setoff action either by administrative appeal or by legal action.

§ 1434.16 Determination of quantity.

(a) *For loan purposes.* The estimated quantity of farm-stored honey and the quantity of warehouse-stored honey placed under loan shall be determined as provided in §§ 1434.23 and 1434.24. Estimates of the quantity of farm-stored honey shall be made on the basis of 12 pounds for each gallon of rated capacity of the container.

(b) *At time of acquisition*—(1) *Farm storage.* The quantity of honey acquired by CCC as the result of a loan forfeiture or pursuant to a purchase agreement shall be determined by weighing the honey delivered under the direction of the State committee. The quantity of honey acquired in 5-gallon cans shall be determined by using a tare weight of 2.5 pounds for each can. The quantity of honey acquired in 55-gallon drums shall be determined by using a tare weight of 53 pounds for each drum unless the producer can furnish evidence of a lesser tare weight. Title to the containers shall vest in CCC.

(2) *Warehouse storage.* In the case of honey packaged in eligible containers, the quantity of honey acquired by CCC in approved warehouse storage as the result of a loan forfeiture or pursuant to a purchase agreement shall be the net weight shown on the warehouse receipt or the weight determined by a representative of CCC.

§ 1434.17 Determination of quality.

(a) *Quality for loan*—(1) *Farm storage.* Loans on farm-stored honey will be made on the basis of the floral source, color, and class (table or nontable) of the honey as declared and certified by the producer on the Farm Storage Worksheet at the time the honey is placed under loan.

(2) *Warehouse storage.* Loans on warehouse-stored honey will be made on the basis of the class, floral source, grade, and color of the honey as shown on the warehouse receipt or on the extracted honey inspection and weight certificate accompanying the warehouse receipt representing such honey.

(b) *Quality for settlement*—(1) *Farm storage in eligible containers.* When honey is delivered to CCC in eligible containers from farm storage, its quality and color shall be determined by the Processed Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service (AMS), in accordance with the United States Standards for Grades of Extracted Honey on the basis of samples drawn by ASCS representatives supervising delivery. Samples shall not be drawn until the producer has designated all lots. Single containers shall not be considered as lots unless necessitated by color or floral source. The cost of quality and color determination for a maximum of four lots shall be for the account of CCC.

(2) *Identity-preserved warehouse-stored.* When honey stored identity-preserved in containers in an approved warehouse is delivered to CCC, its class, floral source, grade, and color shall be determined on the basis of samples drawn by ASCS representatives supervising delivery. The cost of such determination shall be for the account of CCC.

(c) *Segregation by color.* Table honey in eligible containers shall, insofar as is practicable, be segregated into lots by color to conform with the color categories which are set forth in an annual notice published in the **Federal Register.** If a lot of honey is not segregated so that it can be certified as one color in accordance with the United States Standards for Grades of Extracted Honey, the rate of settlement under a loan or purchase shall be based on the darkest color shown on the inspection certificate. However, if the inspection certificate at time of delivery to CCC shows that a farm-stored or identity-preserved warehouse-stored lot of honey contains more than 2 colors and if the number of samples of the darkest color shown on such certificate is not more than one-sixth of the total number of samples, the color for the purpose of settlement shall be the next lighter color than the darkest color.

(d) *Segregation by classes.* If the honey in eligible containers is not

segregated so that it can be classified as table honey, the rate for settlement under a loan or purchase shall be based on the support rate for nontable honey.

(e) *Blends.* In the case of blends of table and nontable honeys, the rate for settlement under a loan or purchase shall be based on the support rate for nontable honey.

§ 1434.18 Interest rate and late payment charge.

Loans shall bear interest at the rate announced in a separate notice published in the **Federal Register.** However, if any price support loan is not repaid to CCC by the producer when due and payable, the provisions of 7 CFR Part 1403 shall be applicable to any such unpaid amount.

§ 1434.19 Transfer of producer's interest prohibited.

(a) *Warehouse storage loans.* The producer shall not transfer either the remaining interest in or the right to redeem honey pledged as security for a warehouse storage loan nor shall anyone acquire such interest or right. The producer's interest or right of redemption will not be deemed to have been transferred in violation of this paragraph if, under § 1434.25(c), the producer or the producer's properly authorized agent has filed a statement with the county office authorizing the release of such warehouse receipts to others and the loan is repaid within 15 days following the date of such authorization.

(b) *Farm storage loans.* The producer shall not transfer either the remaining interest in or right to redeem honey mortgaged as security for a farm storage loan nor shall anyone acquire such interest or right. Subject to the provisions of § 1434.25, a producer who wishes to liquidate all or part of a loan by contracting for the sale of the honey must obtain written approval of the county office on a form prescribed by CCC to remove a specified quantity of the honey from storage. Any such approval shall be subject to the terms and conditions set forth in the applicable form, copies of which may be obtained by producers or prospective purchasers at the county office.

§ 1434.20 Insurance.

CCC will not require the producer to insure the honey placed under a farm-stored loan. However, if the producer insures such honey and an indemnity is paid thereon, such indemnity shall inure to the benefit of CCC to the extent of its interest after first satisfying the producer's equity in the honey involved in the loss.

§ 1434.21 Loss or damage.

The producer is responsible for any loss in quantity or quality of the honey placed under a farm storage loan or identity-preserved warehouse storage loan. Notwithstanding the foregoing, any such loss occurring and reported to the county office after disbursement of the loan funds and before redemption or delivery to CCC will be assumed by CCC. Losses will be assumed to the extent of the settlement value at the time of destruction of the quantity of honey not in excess of the quantity required to secure the outstanding loan. If the honey is not destroyed, CCC will only assume an amount equivalent to the extent of the loss or damage as determined by CCC, less any insurance proceeds to which CCC may be entitled and the salvage value of the honey if the producer establishes to the satisfaction of CCC each of the following conditions:

(a) The physical loss or damage occurred without fault or negligence on the part of the producer or any other person having control of the storage structure;

(b) The physical loss or damage resulted solely from an external cause (other than insect infestation, rodents, or vermin), such as theft by a person not entrusted with possession of the honey and occurring without the knowledge or consent (expressed or implied) of the producer, or fire, lightning, explosion, windstorm, cyclone, tornado, flood, or other act of God;

(c) The producer has given the county office immediate notice of such loss of damage before redemption or delivery to CCC; and

(d) The producer has made no fraudulent representation in the loan documents or in obtaining the loan. No physical loss or damage occurring before the date of disbursement of the loan funds to the producer will be assumed by CCC.

§ 1434.22 Personal liability of the producer.

(a) *Fraud relating to farm storage and warehouse storage loans and unlawful dispositions.* The making of any fraudulent representation by a producer in the loan documents, in obtaining a loan, or in connection with settlement or delivery under a loan, or the unlawful disposition of any portion of the honey by the producer, shall render the producer subject to criminal prosecution under Federal law. Any such loans shall become payable upon demand and, aside from any additional liability, under Federal criminal and civil fraud statutes, the producer shall be personally liable for the amount of the loan, any additional amount paid to the producer in connection with the honey, and all costs which CCC would not have incurred had it not been for the producer's fraudulent representation or unlawful disposition, together with interest on any such amounts. Notwithstanding the provisions of Section 6(b) of the Farm Storage Note and Security Agreement (Form CCC-677) and Section 6(6) of the Warehouse Storage Note and Security Agreement (Form CCC-678), if a producer has made any such fraudulent representation with respect to or unlawful disposition of the honey pledged as collateral for a price support loan, the amount with which the producer will be credited for any honey delivered to or removed by CCC will be the following:

(1) In the case of farm storage loans, the market value of the honey as determined by CCC as of the date of delivery to or removal by CCC, or the loan value, whichever is the lower;

(2) In the case of warehouse storage loans, the market value of the honey at the close of the market on the final date for repayment or the loan settlement value, whichever is the lower; or

(3) If the honey is sold by CCC in order to determine its market value, the sales price, less any costs sustained by CCC, or the loan settlement value, whichever is the lower.

If the unlawful disposition of the loan collateral is determined by CCC not to have been a willful conversion, the value of the honey or part thereof delivered to CCC or removed by CCC shall be the same as the settlement value for eligible honey acquired by CCC as provided in this subpart.

(b) *Fraud relating to purchases.* If the producer has made a fraudulent representation in a price support purchase by CCC or in the purchase documents, the producer shall be personally liable, aside from any additional liability under Federal criminal or civil fraud statutes, for any loss which CCC sustains with respect to the honey which has been delivered under the purchase agreement. For the purpose of this program, such loss shall be deemed to be the amount paid to the producer for the honey delivered to CCC under the purchase agreement, as well as all costs which CCC would not have incurred had it not been for his/her fraudulent representation together with interest on such amounts, less the lowest of the following:

(1) The market value, as determined by CCC, of the honey as of the close of the market on the date of delivery;

(2) The sales price if the honey is sold in order to determine its market value; or

(3) The purchase settlement value.

(c) *Overdisbursement.* If the amount disbursed under a loan or purchase agreement or in settlement thereof exceeds the amount authorized under these regulations or the amount determined from the support rate published in a **Federal Register** notice for the applicable crop year, the producer shall be personally liable for repayment of the amount of such excess.

(d) *Poisonous substances and contamination.* A producer shall be personally liable for any damages resulting from delivering to CCC honey containing mercurial compounds or other substances poisonous to humans, animals, or food commodities which are contaminated.

(e) *Undercollection.* If the amount collected from the producer in satisfaction of the loan is less than the amount required to be remitted to CCC in accordance with the provisions of this part, the producer shall be personally liable for repayment of the amount of such deficiency.

(f) *Joint loans.* In the case of joint loans, each producer signing the note shall be jointly and severally liable for any personal liability which may result due to the application of the provisions of this section.

§ 1434.23 Quantity for warehouse storage loans.

The amount of a loan on the quantity of eligible honey packaged in eligible containers and stored identity-preserved in an approved warehouse shall be based on a percentage of the net weight specified on the warehouse receipt representing such honey which is pledged as security for the loan. Such percentage shall not exceed 95 percent of the weight so specified.

§ 1434.24 Quantity for farm storage loans.

(a) *Maximum loan amount.* Farm storage loans shall not be made on more than a percentage (hereinafter called the "loan percentage"), as established by the State committee, of the certified or measured quantity of the eligible honey stored in approved farm storage and covered by the note and security agreement. The maximum loan percentage shall not exceed 90 percent of the measured or certified quantity. The State committee shall establish the loan percentage each year on a Statewide basis or for specified areas within the State. Before the establishment of a loan percentage, the State committee shall consider conditions in the State or areas within a State to determine if the loan percentage should be below the maximum loan percentage in order to provide CCC with the adequate protection. Loan percentages previously determined shall be lowered if warranted by changed conditions in the State or areas within a State, but new loan percentages shall apply only to new loans and not to outstanding loans. In determining the loan percentages the State committee shall consider general honey-producing conditions, factors affecting quality peculiar to an area within the State, and climatic conditions affecting storability. The loan percentages established by the State committee may be lowered by the county committee on an individual basis when determined to be necessary in order to provide CCC with adequate protection. The county committee shall consider:

(1) The condition or suitability of the storage structure;

(2) The condition of the honey;

(3) The hazardous location of the storage structure, such as a location which exposes the structure to danger of flood, fire, and theft by a person not entrusted with possession of the honey;

(4) Any disagreement with respect to the quantity of honey to be placed under loan; and

(5) Such other factors which relate to the preservation or safety of the loan collateral.

(b) *Less than maximum loan amount.* Farm storage loans may be made on less than the maximum quantity eligible for loan at the producer's request. If the loan quantity is reduced by the State committee, the county committee, or by request of the producer, the mortgage shall cover all of the honey in the lot on which the loan is made. When the loan percentage is lowered for one or more of the hazards listed in paragraph (a) of this section, the producer shall be notified in writing that CCC will not assume any loss or damage to the loan collateral resulting from the particular hazards to which the structure was exposed.

(c) *Transfer from farm storage loans to warehouse storage loans.* Upon request by the producer, the county committee may approve the transfer of honey or part thereof which is under a farm storage loan to a warehouse storage loan at any time during the loan period. If the transfer is necessary because the honey is going out of condition or in danger of going out of condition, the producer shall notify the county office in writing describing the emergency. Liquidation of the farm storage loan or part thereof shall be made through the pledge of warehouse receipts for the honey placed under warehouse storage loan and the immediate payment by the producer of the amount by which the warehouse storage loan is less than the farm storage loan or part thereof plus interest. Any amounts due the producer shall be disbursed by the county office. The maturity date of the warehouse storage loan shall be the maturity date applicable to the farm storage loan which was transferred to such warehouse storage loan.

(d) *Packaged in eligible containers.* Loans shall be made on not more than 90 percent of the estimated quantity of eligible honey packaged in eligible containers in approved farm storage.

(e) *Producer certification.* In addition to loan quantity determinations based on measurement as provided in paragraph (a) of this section, determinations may be made on the basis of the quantity of honey which an eligible producer certifies in writing on Form CCC–666 is eligible if the honey is in approved farm storage and available for loan purposes.

(f) *Incorrect producer certification.* (1) If the county committee determines by measurement or otherwise that the actual quantity serving as collateral for a loan based on certification by the producer is less than the loan quantity, the county committee shall call the loan. The producer shall have ten days to settle the loan, except that the producer may request reconsideration of the loan call and provide information regarding the circumstances leading to the incorrect certification. The county committee may reinstate the producer's loan if:

(i) The circumstances are of a highly meritorious nature;

(ii) The producer acted in good faith;

(iii) The producer did not knowingly provide an incorrect certification and made a reasonable attempt to determine the quantity; and

(iv) The producer repays the amount of any overdisbursement.

If the loan is called, the county committee may refuse to approve any further farm-stored loans for honey produced by the producer through the end of the next crop year after the crop year in which the incorrect certification was made.

(2) If the producer has incorrectly certified such quantities on more than one occasion, the county committee shall call the loan(s) involved and approve no further farm-stored loans for the producer on any commodity through the end of the next crop year after the crop year in which the incorrect certification was made. If the county committee feels the seriousness of the matter so justifies, they may deny further farm-stored loans to the producer for more than one year.

(g) *Unauthorized removal.* If there has been unauthorized removal of any part of farm-stored collateral, the county committee shall, on the first offense, call the loan involved. The producer shall have ten days to settle the loan, except that the producer may request reconsideration of the call and provide information regarding the circumstances leading to the unauthorized removal. The county committee may reinstate the producer's loan if:

(1) The circumstances leading to the authorized removal are of a highly meritorious nature;

(2) The producer acted in good faith;

(3) The producer did not knowingly remove the honey under loan; and

(4) The producer repays the loan with respect to the quantity of the collateral which had been removed.

If the loan is called, the county committee may refuse to approve any further farm-stored loans for honey produced by the producer through the end of the next crop year after the crop year in which the unauthorized removal occurred. If the unauthorized removal is the second offense, the county committee shall call the loan involved and not approve any further farm-stored loans for the producer on any commodity through the end of the next crop year after the crop year in which the unauthorized removal occurred.

§ 1434.25 Release of the honey under loan.

(a) *Obtaining release—farm storage.* A producer shall not remove any honey covered by a chattel mortgage from farm storage until the producer has received prior written approval for such removal from the county committee on one of the applicable forms listed in § 1434.12. A producer may at any time obtain a release of all or part of the honey remaining under loan by paying to CCC the amount of the loan which had been made by CCC to the producer with respect to the quantity of the honey released, plus interest. When the proceeds of a sale of honey are needed to repay all or part of the loan, see § 1434.19(b).

(b) *Release of chattel mortgage.* The chattel mortgage shall not be released by CCC until the loan has been satisfied in full. After satisfaction of a loan, the county executive director shall release CCC's security interest in the honey.

(c) *Obtaining release—warehouse storage loans.* The producer may arrange with the county office for release of all or part of the honey under warehouse storage loan on or prior to maturity date of such loan by repayment of the amount of the loan with respect to the quantity of the honey to be released plus interest. Each partial release must cover all of the honey represented by one warehouse receipt. Subject to provisions of § 1434.5(c), warehouse receipts redeemed by the producer upon repayment of the loan shall be released only to the producer or the producer's authorized agent. However, redeemed warehouse receipts may be released to persons designated in a written authorization filed with the county office by the producer or the producer's properly authorized agent and dated within 15 days prior to the date of repayment.

§ 1434.26 Liquidation of farm storage loans.

(a) *General.* In the case of farm storage loans, the producer is required to pay off the loan or deliver the honey under loan to CCC. Deliveries shall be made in accordance with written instructions issued by the county office which shall set forth the time and place of delivery. CCC will not accept delivery of any quantity of eligible honey in excess of the larger of (1) 110 percent of the measured or certified quantity, or (2) a sufficient quantity of honey having a settlement value equal to 110 percent of the loan value being settled. Settlement of the quantity determined shall be made as provided in § 1434.29. Delivery points shall be limited to those approved by the ASCS Kansas City Commodity Office.

(b) *Notice to county committee.* If the producer desires to deliver the honey to CCC, the producer must give the county committee notice in writing of intention to do so within a reasonable time prior to the applicable maturity date.

(c) *Honey going out of condition.* If, prior to delivery to CCC, the honey in approved farm storage is going out of condition, the producer shall so notify the county office and confirm such notice in writing. If the county committee determines that:

(1) The honey is going out of condition or is in danger of going out of condition;

(2) The honey cannot be satisfactorily conditioned by the producer; and

(3) Delivery cannot be accepted within a reasonable length of time, the county committee shall arrange for an inspection and grade and quality determination.

When delivery is completed, settlement shall be made subject to the provisions of §§ 1434.21 and 1434.22 on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher, for the quantity actually delivered.

(d) *Delivery before maturity date.* When considered necessary to protect the interest of CCC or when requested by the producer, the county committee may call the loan and accept delivery of the honey prior to the loan maturity date.

(e) *Storage deduction for early delivery.* If the loan maturity date is accelerated upon request of the producer and the acceleration is approved by CCC, the settlement value of the honey shall be reduced by one-sixth of 1 cent per pound per month or fraction thereof from the earlier of (i) the date delivery is accomplished or (ii) the final date for delivery as shown in the delivery instructions up to and including the original loan maturity date.

§ 1434.27 Liquidation of warehouse storage loans.

If a producer does not repay the loan indebtedness upon maturity of the loan, CCC shall have the right to sell or acquire title to the honey pledged as security for the loan indebtedness.

§ 1434.28 Purchase from producers.

(a) *Quantity eligible for purchase.* An eligible producer may sell to CCC any or all of the eligible honey which is not mortgaged to CCC under a farm storage loan or pledged to CCC under a warehouse storage loan: *Provided,* That the producer executes and delivers to the county office a Purchase Agreement (Form CCC–614) indicating the approximate quantity of honey to be sold to CCC no later than January 31 of the year following the year in which the honey was produced and extracted. The producer is not obligated, however, to complete the sale by delivery of any quantity of the honey to CCC upon expiration of the purchase agreement. Delivery points for purchases from other than approved warehouse storage shall be limited to those approved by the ASCS Kansas City Commodity Office. Settlement of the quantity not to exceed 110 percent of the quantity shown on the Purchase Agreement shall be made as provided in § 1434.29.

(b) *Delivery period.* (1) In the case of eligible honey not in an approved warehouse, the producer must make delivery of the honey the producer desires to sell to CCC within the period of time after the expiration date of the purchase agreement as specified in delivery instructions issued by the county office. Delivery shall be made to the location specified in such instructions. In the event of such purchase and delivery of the honey to CCC, the settlement value of the honey shall be reduced as provided in paragraph (e) of § 1434.26.

(2) In the case of eligible honey stored in an approved warehouse, the producer must submit to the county office, not earlier than ten days before the expiration date of the purchase agreement nor later than the day after such expiration date, warehouse receipts for the quantity of honey the producer elects to sell to CCC. Notwithstanding any of the provisions of this section, in the case of eligible farm-stored honey covered by an approved Purchase Agreement (Form CCC–614), the county committee may, if requested by the producer, authorize early delivery of the honey if the producer loses control of the storage structure or if there is danger of flood or damage to the storage structure making it unsafe to continue storage of the honey on the farm.

§ 1434.29 Settlement.

(a) *General.* Except as provided in §§ 1434.21, 1434.22, and paragraph (b) of this section, settlement with the producer for eligible honey acquired by CCC under loan or purchase will be made on the basis of the quantity, floral source, class, quality, grade, and color of such honey as provided in this section and other applicable provisions of this subpart. The settlement value of honey shall be the product of the support rate for the class, floral source, grade, and color, times the quantity acquired at the time of settlement adjusted by the discounts which are published in an annual **Federal Register** notice. The support rate per pound of honey at which settlement will be made shall be the rate for the State where the producer obtained price support.

(b) *Warehouse storage—Identity preserved.* Settlement for eligible honey stored identity preserved in an approved warehouse and acquired by CCC shall be made on the basis of the net weight shown on the extracted honey inspection and weight certificate and the class, floral source, color, and grade shown on the inspection certificate.

(c) *Ineligible honey inadvertently accepted by CCC.* If ineligible honey is inadvertently accepted by CCC, the settlement value shall be the market value as of the date of delivery as determined by CCC. The provisions of § 1434.22 shall be applicable to settlement on ineligible honey where there has been a fraudulent representation on the part of the producer.

(d) *Payment of deficiency by producers.* If the settlement value of the honey is less than the amount due on the loan (excluding interest), the amount of any deficiency plus interest thereon shall be paid to CCC. If the deficiency is not promptly paid, CCC may, in addition to any of its other rights, satisfy the amount of such deficiency plus interest out of any payment which would otherwise be due the producer under any agricultural program administered by the Secretary of Agriculture or any other payments which are due or may become due the producer from CCC or any other agency of the United States.

(e) *Payments of amount due producer.* If the settlement value of the honey delivered to CCC exceeds the amount due on the loan (excluding interest), such excess amount shall be paid to the producer. Any payment due the producer on either a loan or purchase will be made by draft drawn on the account of CCC by the county office.

(f) *Storage where CCC is unable to take delivery.* A producer may be required to retain and store the honey that is serving as collateral for a loan or subject to a purchase agreement for a period of 60 days after the maturity date of a loan or expiration date of a purchase agreement without any cost to CCC. If CCC is unable to take delivery of the honey within the 60-day period after the loan maturity date, the producer shall be paid a storage payment upon delivery of the honey to CCC. The period for earning such storage payment shall begin the day following the expiration of the 60-day period after such maturity date and extend through the earlier of: (1) The final date of actual delivery or (2) the final date for delivery as specified in the delivery instructions issued to the producer by the county office. The storage payment shall be computed at the storage rate stated in the applicable CCC storage agreement for honey in effect at the delivery point where the producer delivers the honey.

§ 1434.30 Foreclosure.

(a) *Removal from storage.* If the loan indebtedness (i.e., the unpaid amount of the note, interest, and charges) is not satisfied upon maturity of the note, CCC may remove the honey from storage and assign, transfer, and deliver the honey or documents evidencing title thereto at such time, in such manner, and upon such terms as CCC may determine at public or private sale. Any such disposition may similarly be accomplished without the prior removal of the honey from storage. The honey may be processed before sale. CCC may become the purchaser of the whole or any part of the honey hereunder at either a public or private sale.

(b) *When CCC takes title to honey.* At CCC's election, title to all or any part of the unredeemed honey securing the note as CCC may designate shall, without a sale thereof, immediately vest in CCC upon maturity and nonpayment of the producer's note. Whenever CCC acquires title to the unredeemed honey, CCC shall have no obligation to pay for any market value which such honey may have in excess of the loan indebtedness, i.e., the unpaid amount of the note plus interest and charges.

(c) *Payment to producer.* Nothing herein shall preclude CCC from paying the producer or the producer's personal representative or heirs who meet the conditions set forth in § 1434.4 with respect to the following:

(1) Any amount by which the settlement value of the collateral honey exceeds the principal amount of the loan; or

(2) The amount by which the proceeds of sale exceed the loan indebtedness including interest and charges if the collateral honey is sold to third persons as provided in paragraph (a) of this section instead of full title to such collateral honey being acquired by CCC as provided in paragraph (b) of this section.

(d) *Honey sold at less than amount due on loan.* If honey is removed from storage by CCC and is sold pursuant to paragraph (a) of this section at less than the principal amount due CCC on the loan (excluding interest), the producer shall be liable to CCC for the difference between the settlement value of the honey (or the proceeds from the sale of the honey, if higher) and the amount of the loan plus interest. The amount of any deficiency may be set off against any payment which would otherwise be due the producer under any agricultural program administered by the Secretary of Agriculture or any other payments which are due or may become due the producer from CCC or any other agency of the United States.

§ 1434.31 Charges not to be assumed by CCC.

CCC will not assume any charges for insurance, storage, packaging, or processing.

§ 1434.32 Handling payments and collections not exceeding $3.

In order to avoid administrative costs of making small payments and handling small accounts, amounts of $3 or less which are due the producer will be paid only upon the producer's requests. Deficiencies of $3 or less, including interest, may be disregarded unless demand for payment is made by CCC.

§ 1434.33 Death, incompetency, or disappearance.

In the case of death, incompetency, or disappearance of any producer who is

entitled to the payment of any sum in settlement of a loan or a purchase, payment shall be made upon proper application to the county office which made the loan or purchase to the persons who would be entitled to such producer's payment under the regulations contained in Part 707 of this title—Payments Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent.

§ 1434.34 Definitions.

As used in the regulations in this subpart and in all instructions, forms, and documents in connection therewith, the words and phrases listed in this section shall have the meaning assigned to them herein unless the context or subject matter otherwise requires.

(a) *General.* The following words or phrases: "Person," "State committee," "State Executive Director," "county committee," "county executive director," and "farm," respectively, shall each have the same meaning as the definitions of such term in the Regulations Governing Reconstitution of Farms, Allotments, and Bases, Part 719 of this title and any amendment thereto.

(b) *Settlement value.* The term "settlement value" means the value at which settlement is made with the producer on the mortgaged or pledged honey offered for purchase, as determined under the provisions of the regulations in this part.

(c) *Charges.* The term "charges" means all fees, costs, and expenses incident to insuring, carrying, handling, storing, conditioning, and marketing the honey and otherwise protecting the interest in the loan collateral of CCC or the producer including foreclosure costs.

(d) *County committee.* The term "county committee" means only the committee and not its representative.

(e) *Representative of the county committee and county committee representative.* The terms "representative of the county committee" and "county committee representative" means a member of the county committee, the county executive director, or a person designated by the county executive director to act in behalf of the county executive director.

(f) *The regulations in this subpart.* The term "the regulations in this subpart" means the regulations in Subpart—1982 and Subsequent Crops, Honey, together with any amendments thereto and notices published in the **Federal Register.**

(g) *Request for price support.* The term "request for price support" means a request for loan or execution of Purchase Agreement (Form CCC–614) as applicable.

(h) *Chattel mortgage.* The term "chattel mortgage" means any security instrument which secures a farm storage loan.

§ 1434.35 Kansas City ASCS commodity office and ASCS management field office.

(a) Kansas City ASCS Commodity Office, P.O. Box 205, Kansas City, Missouri 64141, will serve all States.

(b) Accounting, recording, and reporting for all States will be handled through ASCS Management Field Office, P.O. Box 205, Kansas City, Missouri 64141.

Signed at Washington, D.C. on March 22, 1982.

C. Hoke Leggett,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 82–8314 Filed 3–26–82; 8:45 am]

BILLING CODE 3410–05–M

Food Safety and Inspection Service

9 CFR Part 331

[Docket No. 81–058F]

Designation of the State of Arkansas Under the Federal Meat Inspection Act for Special Purposes

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The Governor of the State of Arkansas has advised this Department that Arkansas is no longer in a position to administer a meat inspection program for special purposes. The Secretary of Agriculture is, therefore, required by section 205 of the Federal Meat Inspection Act to assume the responsibility of administering this program.

DATES: Effective date of this document: March 29, 1982. Effective date of application of regulation: March 29, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Robert W. Gonter, Director, Compliance Division, Meat and Poultry Inspection Operations, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447–7745.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This final rule is issued in conformance with Executive Order 12291, and has been determined to be not a "major rule." It will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Department of Agriculture, pursuant to law, is assuming the responsibility, previously held by the State of Arkansas, of ensuring compliance by persons, firms, and corporations engaged in intrastate commerce in specified kinds of businesses. No alternative actions under the law are available to the Department.

Effect on Small Entities

The Administrator, Food Safety and Inspection Service, has determined that this final rule will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, Pub. L. 96–354 (5 U.S.C. 601). The U.S. Department of Agriculture, pursuant to law, is assuming the responsibility, previously held by the State of Arkansas, of ensuring compliance by persons, firms, and corporations engaged in intrastate commerce in specified kinds of businesses. No additional requirements are being imposed on small entities.

Background

Sections 202, 203, and 204 of the Federal Meat Inspection Act (21 U.S.C. 642, 643, 644) provide for recordkeeping, access, and related requirements; registration requirements; and regulation of transactions involving dead, dying, disabled, or diseased cattle, sheep, swine, goats, horses, mules or parts of the carcasses of such animals that died otherwise than by slaughter, with respect to operators engaged in specified kinds of businesses in or for "commerce" as defined in the Act.

Section 205 of the Federal Meat Inspection Act (21 U.S.C. 645) authorizes the Secretary of Agriculture to exercise authorities under the aforesaid section with respect to persons, firms, and corporations engaged in the specified kinds of businesses but not in or for "commerce" in any State or organized Territory when he determines, after consultation with an appropriate advisory committee, that the State or Territory does not have at least equal to authority under its laws or is not exercising such authority in a manner to effectuate the purposes of the Acts.

The Governor of the State of Arkansas has advised this Department that the State of Arkansas is no longer in a position to continue administering

authorities under the aforesaid sections with respect to persons, firms, and corporations engaged in the specified kinds of businesses in Arkansas, but not in or for "commerce".

The Secretary, after consultation with the appropriate advisory committee, has now determined that the State of Arkansas is not exercising, in a manner to effectuate the purposes of the said Act, with respect to businesses, operating wholly within the State of Arkansas, authorities at least equal to those under sections 202, 203, and 204 of the Federal Meat Inspection Act including the Secretary or his representatives being afforded access to such places of business and the facilities, inventories, and records thereof. Therefore, the State of Arkansas is hereby designated under section 205 of the Federal Meat Inspection Act for the exercise of the specified authorities with respect to businesses operating wholly within the State of Arkansas, and hereafter sections 202, 203, and 204 of the Federal Meat Inspection Act shall apply as hereinafter provided, to persons, firms, and corporations engaged in the kinds of businesses specified in said sections, but not in or for commerce, to the same extent and in the same manner as if they were engaged in such businesses in or for commerce and the transactions involved were in commerce.

PART 331—SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES, AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH AND FOR SUCH DESIGNATED ESTABLISHMENTS

§ 331.6 [Amended]

Accordingly, § 331.6 of the Federal meat inspection regulations (9 CFR 331.6) is amended as follows:

The table in § 331.6 is amended as follows:

1. In the "State" column, "Arkansas" is added in alphabetical order in all three places.

2. In the "Effective date of designation" column, "March 29, 1982" is added on the line with "Arkansas" in all three places.

(Secs. 21 and 205, 34 Stat. 1260, as amended; 81 Stat. 584; (21 U.S.C. 621, 645))

After consulting with the appropriate advisory committee, I have determined that it is necessary to designate the State of Arkansas immediately in accordance with section 205 of the Federal Meat Inspection Act, in order to carry out the Secretary's reponsibilities under the Act. Therefore, it does not appear that any additional relevant information would be made available to the Secretary by public participation in this rulemaking proceeding. Accordingly, under the administrative procedures provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedures are impracticable and contrary to public interest.

Done at Washington, D.C., on March 17, 1982.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 82-8308 Filed 3-26-82; 8:45 am]

BILLING CODE 3410-DM-M

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9 CFR Part 331

[Docket No. 81-056F]

Designation of the State of Idaho Under the Federal Meat Inspection Act for Special Purposes

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The Governor of the State of Idaho has advised this Department that Idaho is no longer in a position to administer a meat inspection program for special purposes. The Secretary of Agriculture is, therefore, required by section 205 of the Federal Meat Inspection Act to assume the responsibility of administering this program.

DATES: Effective date of this document: March 29, 1982. Effective date of application of regulation: March 29, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Robert W. Gonter, Director, Compliance Division, Meat and Poultry Inspection Operations, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-7745.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This final rule is issued in conformance with Executive Order 12291, and has been determined to be not a "major rule." It will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Department of Agriculture, pursuant to law, is assuming the responsibility, previously held by the State of Idaho, of ensuring compliance by persons, firms, and corporations engaged in intrastate commerce in specified kinds of businesses. No alternative actions under the law are available to the Department.

Effect on Small Entities

The Administrator, Food Safety and Inspection Service, has determined that this final rule will not have a significant economic impact on a substantial number of shall entities, as defined by the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601). The U.S. Department of Agriculture, pursuant to law, is assuming the responsibility, previously held by the State of Idaho of ensuring compliance by persons, firms, and corporations engaged in intrastate commerce in specified kinds of businesses. No additional requirements are being imposed on small entities.

Background

Sections 202, 203, and 204 of the Federal Meat Inspection Act (21 U.S.C. 642, 643, 644) provide for recordkeeping, access, and related requirements; registration requirements; and regulation of transactions involving dead, dying, disabled, or diseased cattle, sheep, swine, goats, horses, mules or parts of the carcasses of such animals that died otherwise than by slaughter, with respect to operators engaged in specified kinds of businesses in or for "commerce" as defined in the Act.

Section 205 of the Federal Meat Inspection Act (21 U.S.C. 645) authorizes the Secretary of Agriculture to exercise authorities under the aforesaid section with respect to persons, firms, and corporations engaged in the specified kinds of businesses but not in or for "commerce" in any State or organized Territory when he determines, after consultation with an appropriate advisory committee, that the State or Territory does not have at least equal to authority under its laws or is not exercising such authority in a manner to effectuate the purposes of the Act.

The Governor of the State of Idaho has advised this Department that the State of Idaho is no longer in a position to continue administering authorities under the aforesaid sections with respect to persons, firms, and corporations engaged in the specified kinds of businesses in Idaho, but not in or for "commerce".

The Secretary, after consultation with the appropriate advisory committee, has now determined that the State of Idaho is not exercising, in a manner to effectuate the purposes of the said Act, with respect to businesses, operating wholly within the State of Idaho, authorities at least equal to those under sections 202, 203, and 204 of the Federal Meat Inspection Act including the Secretary or his representatives being afforded access to such places of business and the facilities, inventories, and records thereof. Therefore, the State of Idaho is hereby designated under section 205 of the Federal Meat Inspection Act for the exercise of the specified authorities with respect to businesses operating wholly within the State of Idaho and hereafter sections 202, 203, and 204 of the Federal Meat Inspection Act shall apply as hereinafter provided, to persons, firms, and corporations engaged in the kinds of businesses specified in said sections, but not in or for commerce, to the same extent and in the same manner as if they were engaged in such businesses in or for commerce and the transactions involved were in commerce.

PART 331—SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES; AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH AND FOR SUCH DESIGNATED ESTABLISHMENTS

§ 331.6 [Amended]

Accordingly, § 331.6 of the Federal meat inspection regulations (9 CFR 331.6) is amended as follows:

The table in § 331.6 is amended as follows:

1. In the "State" column, "Idaho" is added in alphabetical order in all three places.

2. In the "Effective date of designation" column, "March 29, 1982" is added on the line with "Idaho" in all three places.

(Secs. 21 and 205, 34 Stat. 1260, as amended; 81 Stat. 584; 21 U.S.C. 621, 645)

After consulting with the appropriate advisory committee, I have determined that it is necessary to designate the State of Idaho immediately in accordance with section 205 of the Federal Meat Inspection Act, in order to carry out the Secretary's responsibilities under the Act. Therefore, it does not appear that any additional relevant information would be made available to the Secretary by public participation in this rulemaking proceeding. Accordingly, under the administrative procedures provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedures are impracticable and contrary to public interest.

Done at Washington, D.C., on March 17, 1982.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 82-8307 Filed 3-26-82; 8:45 am]

BILLING CODE 3410-AM-M

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9 CFR Part 331

[Docket No. 81-057F]

Designation of the State of Michigan Under the Federal Meat Inspection Act for Special Purposes

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: Representatives of the Governor of the State of Michigan have advised this Department that Michigan is no longer in a position to administer a meat inspection program for special purposes. The Secretary of Agriculture is, therefore, required by section 205 of the Federal Meat Inspection Act to assume the responsibility of administering this program.

DATES: Effective date of this document: March 29, 1982.

Effective date of application of regulation: March 29, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Robert W. Gonter, Director, Compliance Division, Meat and Poultry Inspection Operations, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-7745.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This final rule is issued in conformance with Executive Order 12291, and has been determined to be not a "major rule." It will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Department of Agriculture, pursuant to law, is assuming the responsibility, previously held by the State of Michigan, of ensuring compliance by persons, firms, and corporations engaged in intrastate commerce in specified kinds of businesses. No alternative actions under the law are available to the Department.

Effect on Small Entities

The Administrator, Food Safety and Inspection Service, has determined that this final rule will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601). The U.S. Department of Agriculture, pursuant to law, is assuming the responsibility, previously held by the State of Michigan, of ensuring compliance by persons, firms, and corporations engaged in intrastate commerce in specified kinds of businesses. No additional requirements are being imposed on small entities.

Background

Sections 202, 203, and 204 of the Federal Meat Inspection Act (21 U.S.C. 642, 643, 644) provide for recordkeeping, access, and related requirements; registration requirements; and regulation of transactions involving dead, dying, disabled, or diseased cattle, sheep, swine, goats, horses, mules or parts of the carcasses of such animals that died otherwise than by slaughter, with respect to operators engaged in specified kinds of businesses in or for "commerce" as defined in the Act.

Section 205 of the Federal Meat Inspection Act (21 U.S.C. 645) authorizes the Secretary of Agriculture to exercise authorities under the aforesaid section with respect to persons, firms, and corporations engaged in the specified kinds of businesses but not in or for "commerce" in any State or organized Territory when he determines, after consultation with an appropriate advisory committee, that the State or Territory does not have at least equal to authority under its laws or is not exercising such authority in a manner to effectuate the purposes of the Acts.

Representatives of the Governor of the State of Michigan have advised this Department that the State of Michigan is no longer in a position to continue administering authorities under the aforesaid sections with respect to persons, firms and corporations engaged in the specified kinds of businesses in Michigan, but not in or for "commerce".

The Secretary, after consultation with the appropriate advisory committee, has now determined that the State of Michigan is not exercising, in a manner to effectuate the purposes of the said Act, with respect to businesses, operating wholly within the State of

Michigan, authorities at least equal to those under sections 202, 203, and 204 of the Federal Meat Inspection Act including the Secretary or his representatives being afforded access to such places of business and the facilities, inventories, and records thereof. Therefore, the State of Michigan is hereby designated under section 205 of the Federal Meat Inspection Act for the exercise of the specified authorities with respect to businesses operating wholly within the State of Michigan, and hereafter sections 202, 203, and 204 of the Federal Meat Inspection Act shall apply as hereinafter provided, to persons, firms, and corporations engaged in the kinds of businesses specified in said sections, but not in or for commerce, to the same extent and in the same manner as if they were engaged in such businesses in or for commerce and the transactions involved were in commerce.

PART 331—SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES; AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH AND FOR SUCH DESIGNATED ESTABLISHMENTS

§ 331.6 [Amended]

Accordingly, § 331.6 of the Federal meat inspection regulations (9 CFR 331.6) is amended as follows:

The table in § 331.6 is amended as follows:

1. In the "State" column, "Michigan" is added in alphabetical order in all three places.

2. In the "effective date of designation" column, "March 29, 1982" is added on the line with "Michigan" in all three places.

(Secs. 21 and 205, 34 Stat. 1260, as amended; 81 Stat. 584; 21 U.S.C. 621, 645)

After consulting with the appropriate advisory committee, I have determined that it is necessary to designate the State of Michigan immediately in accordance with section 205 of the Federal Meat Inspection Act, in order to carry out the Secretary's responsibilities under the Act. Therefore, it does not appear that any additional relevant information would be made available to the Secretary by public participation in this rulemaking proceeding. Accordingly, under the administrative procedures provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedures are impracticable and contrary to public interest.

Done at Washington, DC, on: March 17, 1982.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 82-8305 Filed 3-26-82; 8:45 am]

BILLING CODE 3410-DM-M

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9 CFR Parts 331 and 381

[Docket No. 81-055F]

Designation of the State of Rhode Island Under the Federal Meat Inspection Act and the Poultry Products Inspection Act for Special Purposes

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: Representatives of the Governor of Rhode Island have advised this Department that Rhode Island is no longer in a position to administer a meat and poultry inspection program for special purposes. The Secretary of Agriculture is therefore required by section 205 of the Federal Meat Inspection Act and section 11(e) of the Poultry Products Inspection Act to assume the responsibility of administering these programs.

DATES: Effective date of this document: March 29, 1982.

Effective date of application of regulation: March 29, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Robert W. Gonter, Director, Compliance Division, Meat and Poultry Inspection Operations, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-7745.

SUPLEMENTARY INFORMATION:

Executive Order 12291

This final rule is issued in conformance with Executive Order 12291, and has been determined to be not a "major rule." It will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation; or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Department of Agriculture, pursuant to law, is assuming the responsibility previously held by the State of Rhode Island of ensuring compliance by persons, firms and corporations engaged in intrastate commerce in specified kinds of businesses. No alternative actions under law are available to the Department.

Effect on Small Entities

The Administrator, Food Safety and Inspection Service, has determined that this final rule will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601). The U.S. Department of Agriculture, pursuant to law, is assuming the responsibility, previously held by the State of Rhode Island, of ensuring compliance by persons, firms and corporations engaged in intrastate commerce in specified kinds of businesses. No additional requirements are being imposed on small entities.

Background

Sections 202, 203 and 204 of the Federal Meat Inspection Act (21 U.S.C. 642, 643 and 644) provide for recordkeeping, access and related requirements; registration requirements; and regulation of transactions involving dead, dying, disabled or diseased cattle, sheep, swine, goats, horses, mules or parts of the carcasses of such animals that died otherwise than by slaughter, with respect to operators engaged in specified kinds of businesses in or for "commerce" as defined in the Act.

Section 11(b), (c) and (d) of the Poultry Products Inspection Act (21 U.S.C. 460(b), (c) and (d)) provide for recordkeeping, access and related requirements; registration requirements; and regulation of transactions involving dead, dying, disabled or diseased poultry or parts of the carcasses of poultry that died otherwise than by slaughter.

Section 205 of the Federal Meat Inspection Act and section 11(e) of the Poultry Products Inspection Act (21 U.S.C. 645, 460(e)), authorizes the Secretary of Agriculture to exercise authorities under the aforesaid sections with respect to persons, firms and corporations engaged in the specified kinds of businesses but not in or for "commerce" in any State or organized Territory when he determines, after consultation with an appropriate advisory committee, that the State or Territory does not have at least equal to authority under its laws or is not exercising such authority in a manner to effectuate the purposes of the Acts.

Representatives of the Governor of the State of Rhode Island have advised this Department that the State of Rhode Island is no longer in a position to

continue administering authorities under the aforesaid sections with respect to persons, firms and corporations engaged in the specified kinds of businesses in Rhode Island, but not in or for "commerce".

The Secretary, after consultation with the appropriate advisory committee, has now determined that the State of Rhode Island is not exercising, in a manner to effectuate the purposes of the said Act, with respect to businesses, operating wholly within the State of Rhode Island, authorities at least equal to those under sections 202, 203 and 204 of the Federal Meat Inspection Act and sections 11(b), (c) and (d) of the Poultry Products Inspection Act, including the Secretary or his representatives being afforded access to such places of business and the facilities, inventories and records thereof. Therefore, the State of Rhode Island is hereby designated under section 205 of the Federal Meat Inspection Act and section 11(e) of the Poultry Products Inspection Act, for the exercise of the specified authorities with respect to businesses operating wholly within the State of Rhode Island, and hereafter sections 202, 203 and 204 of the Federal Meat Inspection Act and sections 11(b), (c) and (d) of the Poultry Products Inspection Act, shall apply as hereinafter provided, to persons, firms and corporations engaged in the kinds of businesses specified in said sections, but not in or for commerce, to the same extent and in the same manner as if they were engaged in such businesses in or for commerce and the transactions involved were in commerce.

PART 331—SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES; AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH AND FOR SUCH DESIGNATED ESTABLISHMENTS

§ 331.6 [Amended]

Accordingly, § 331.6 of the Federal meat inspection regulations (9 CFR 331.6) is amended as follows:

1. In the "State" column, "Rhode Island" is added in alphabetical order in all three places.

2. In the "Effective date of designation" column, "March 29, 1982" is added on the line with "Rhode Island" in all three places.

(Secs. 21 and 205, 34 Stat. 1260, as amended; 81 Stat. 584; 21 U.S.C. 621, 645)

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

§ 381.224 [Amended]

Further, § 381.224 of the poultry products inspection regulations (9 CFR 381.224) is amended as follows:

1. In the "State" column, "Rhode Island" is added in alphabetical order in all three places.

2. In the "Effective date" column, "March 29, 1982" is added on the line with "Rhode Island" in all three places.

(Secs. 11(e) and 14, 71 Stat. 441, as amended; 82 Stat. 791, 21 U.S.C. 460(e), 463)

After consulting with the appropriate advisory committee I have determined that it is necessary to designate the State of Rhode Island immediately in accordance with section 205 of the Federal Meat Inspection Act and section 11(e) of the Poultry Products Inspection Act, in order to carry out the Secretary's responsibilities under the Acts. Therefore, it does not appear that any additional relevant information would be made available to the Secretary by public participation in this rulemaking.

Accordingly, under the administrative procedures provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedures are impracticable and contrary to the public interest.

Done at Washington, DC, on: March 17, 1982.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 82-8306 Filed 3-26-82; 8:45 am]

BILLING CODE 3410-DM-M

FEDERAL RESERVE SYSTEM

12 CFR PART 225

[Docket No. R-0369; Regulation Y]

Bank Holding Companies and Change in Bank Control

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final Rule.

SUMMARY: The Board of Governors of the Federal Reserve System is amending its Regulation Y to include in the list of permissible bank holding company activities the activity of offering management consulting advice to unaffiliated nonbank depository institutions. These institutions would include savings and loan associations, mutual savings banks, credit unions, industrial banks, Morris Plan banks, cooperative banks, and industrial loan companies. The permissible activities would include, but not be limited to, the selling to nonaffiliated nonbank depository institutions of management consulting services which relate to bank operations and marketing, bank personnel operations, and consumer financial information. The Board also is amending Regulation Y to permit bank holding companies to have management interlocks with depository institutions to which they provide management consulting services if such interlocks would be permissible under exceptions contained in Regulation L that apply to institutions in need of management or operating expertise.

EFFECTIVE DATE: April 20, 1982.

FOR FURTHER INFORMATION CONTACT: Melanie L. Fein, Attorney, (202) 452-3594, Legal Division, Board of Governors of the Federal Reserve System.

SUPPLEMENTARY INFORMATION: Section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) permits bank holding companies to hold shares of "any company the activities of which the Board, after due notice and opportunity for hearing, determines (by order or regulation) to be so closely related to banking or managing or controlling banks as to be a proper incident thereto." The Board's Regulation Y specifies activities that it has determined to be closely related to banking and thus permissible for bank holding companies under section 4(c)(8). (12 CFR 225.4(a)). In determining whether a particular activity is a proper incident to banking or managing or controlling banks, the Board is required to consider "whether its performance by an affiliate of a holding company can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices."

Section 225.4(a)(12) of Regulation Y permits bank holding companies to provide management consulting services to nonaffiliated banks. The Board has stated in a published interpretation that such activities should be provided "only to an institution that both accepts deposits that the depositor has a legal right to withdraw on demand and engages in the business of making commercial loans." 12 CFR 225.131. The Board has regarded this interpretation as excluding most thrift institutions.

In response to a request by a bank holding company for prior approval to offer management consulting services to nonaffiliated nonbank depository

organizations, the Board on November 3, 1981 requested public comment on proposed rule to amend Regulation Y to specifically authorize the provision of such services to nonbank clients. The Board requested interested persons to comment on whether the provision of management consulting services to nonbank clients is "closely related to banking or managing or controlling banks" and whether the performance of such services to nonbank clients can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, conflicts of interests, or unsound banking practices." The Board also requested comment on a proposal to amend Regulation Y to permit bank holding companies to have management interlocks with depository institutions to which they provide management consulting services if such interlocks would be permissible under exceptions contained in Regulation L (12 CFR 212) that apply to institutions in need of management or operating expertise.

The Board received forty-nine comments favoring the proposal and three comments opposing it. The comments favoring the proposal asserted that the provision of management consulting services to nonbank depository institutions was closely related to banking since banks traditionally have provided such services to unaffiliated commercial banks. Many commenters asserted that banks in fact provide management consulting services to nonbank depository institutions through correspondent relationships.

The comments favoring the proposal stated that the proposed activity would offer public benefits by increasing the availability of management consulting advice to all depository institutions. These comments also stated that the proposal would produce procompetitive benefits by assisting thrift institutions to fully utilize the powers conferred by the Monetary Control Act.

On the basis of the comments received and the Board's consideration of this matter, the Board has determined that the proposed activity is closely related to banking. Banks traditionally have provided management consulting services to nonaffiliated commercial banks and thus have provided services that are functionally similar to the proposed service. Moreover, banks traditionally have provided specialized services to nonbank depository institutions that those institutions either have been precluded by law from providing for themselves or which they did not have the capability to provide for themselves. National banks have been permitted to offer a wide range of consulting and advisory services to nonbank financial institutions for some time.

Accordingly, the Board has determined that it would be appropriate to amend Regulation Y to include the activity on the list of permissible bank holding company activities. In order to guard against possible adverse effects of the proposal, such as the possibility for anticompetitive cooperative arrangements, improper use of confidential information, and similar abuses, the Board has determined that the provision of management consulting advice to nonbank clients should be subject to the same restrictions that apply when such services are provided to bank clients.

The Board also is adopting two changes to the regulatory language authorizing management consulting activities that were suggested by the public comments. The Board believes that these changes would simplify the regulation's application and that their inclusion in the regulation would be appropriate at this time.

The first suggestion would effect a change in the requirement that bank holding companies disclose to all potential clients the names of all existing client institutions to which they provide management consulting advice located in the same market area(s) as the prospective client institution. It was suggested that the administration of this provision would be simplified by changing "market area(s)" to "county(ies) or SMSA(s)." This change would reduce the compliance and administrative costs of the provision by minimizing uncertainty over the appropriate market definition without significantly reducing the amount of disclosure to prospective clients. The Board believes that the proposed change would improve the regulation and has included it in the final regulation.

The second proposed change that the Board is adopting would automatically permit bank holding companies that have been granted prior approval to offer management consulting services to commercial banks to also offer such services to nonbank depository organizations without the necessity of filing an application. This change was recommended in order to avoid unnecessary applications since the public benefits considerations upon which the Board based its initial approvals of management consulting services are essentially the same as would apply with respect to applications to offer such services to nonbank institutions. Since the activity in question would be the same and the types of customers would not significantly differ, the Board regards its prior approvals of management consulting activities as extending to the provision of such services to nonbank clients in view of the addition of such clients to Regulation Y.

The Board also is making a technical change in § 225.4(a)(12) of Regulation Y by deleting the requirement in footnote 10 requiring that applications to engage *de novo* in management consulting activities be filed in accordance with the procedures in section 225.4(b)(2) for acquisitions of a going concern. Such applications should be filed in accordance with the procedures in § 225.4(b)(1) for *de novo* activities. This change reflects the Board's actual practice with regard to such applications.

In connection with this action, the Board also is amending Regulation Y to permit bank holding companies to have common management officials with depository institutions to which they provide management consulting services if such interlocks would be permissible under exceptions contained in the Board's Regulation L (Management Official Interlocks) that apply to depository institutions in need of management or operating expertise. 12 CFR 212.4(b). Regulation Y currently provides that bank holding companies may not have officers, directors, or employees in common with banks to which they provide management consulting services. 12 CFR 225.4(a)(12)(ii). The purpose of this restriction is to guard against potential conflicts of interest. An exception is provided when such interlocking relationships are or would be permitted under the exception contained in Regulation L for banks located in low income areas. This exception reflects a determination that the benefits of providing management consulting services to institutions in need of management expertise outweigh any potential conflicts of interest.

The low income exception was incorporated into Regulation Y at the same time that it was added to Regulation L. Since adoption of this exception, other exceptions have been

added to Regulation L. These include exceptions for depository organizations controlled or managed by women or minorities, newly chartered organizations, and organizations facing conditions endangering safety or soundness or disruptive loss of management officials due to the prohibitions in Regulation L. 12 CFR 212.4(b). The exceptions may be granted by the appropriate federal supervisory agency in individual cases on the basis of a determination that the exception is necessary to provide management or operating expertise to the requesting institution. These Regulation L exceptions have not yet been incorporated into the Regulation Y provision that prohibits interlocks between bank holding companies and client institutions to which they provide management consulting services. The Board is incorporating them at this time since the public interest they serve in Regulation L would similarly be served by their inclusion in Regulation Y. The amendment in this regard uses the terminology of the Depository Institution Management Interlocks Act of 1978, 12 U.S.C. 3201 *et seq.*, which refers to interlocks by "management officials," instead of the language in section 8 of the Clayton Act, which was superseded by the Interlocks Act, which refers to "officer, director, or employee" interlocks.

Pursuant to section 605(b) of the Regulatory Flexibility Act (Pub. L. No. 96–354; 5 U.S.C 601 *et seq.*), the Board of Governors of the Federal Reserve System certifies that the amendment will not have a significant economic impact on a substantial number of small entities that would be subject to the regulation. The amendment would liberalize the existing regulations and does not have any particular effect on small entities that would be subject thereto.

Accordingly, pursuant to its authority under section 5(b) of the Bank Holding Company Act, 12 U,S.C. 1844(b), the Board of Governors of the Federal Reserve System amends 12 CFR Part 225, as follows:

PART 225—BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL

12 CFR Part 225 is amended as follows:

1. The authority citation for Part 225 reads as follows:

Authority. Sec. 5, 70 Stat. 137; 12 U.S.C. 1844, unless otherwise noted.

2. Section 225.4 is amended by revising paragraph (a)(12) to read as follows:

§ 225.4 Nonbanking activities.

(a) * * *

(12) Providing management consulting advice [10c] to nonaffiliated bank and nonbank depository institutions, including commercial banks, savings and loan associations, mutual savings banks, credit unions, industrial banks, Morris Plan banks, cooperative banks, and industrial loan companies, *Provided* that,

(i) Neither the bank holding company nor any of its subsidiaries own or control, directly or indirectly, any equity securities in the client institution;

(ii) No management official, as defined in 12 CFR 212.2(h), of the bank holding company or any of its subsidiaries serves as a management official of the client institution except where such interlocking relationships are permitted pursuant to an exemption granted under 12 CFR 212.4(b);

(iii) The advice is rendered on an explicit fee basis without regard to correspondent balances maintained by the client institution at any depository institution subsidiary of the bank holding company; and

(iv) Disclosure is made to each potential client institution of (A) the names of all depository institutions which are affiliates of the consulting company, and (B) the names of all existing client institutions located in the same county(ies) or SMSA(s) as the client institution.[11]

By order of the Board of Governors of the Federal Reserve System, March 11, 1982.

William W. Wiles,

Secretary of the Board.

[FR Doc. 82–8313 Filed 3–26–82; 8:45 am]

BILLING CODE 6210–01–M

[10c] In performing this activity, bank holding companies are not authorized to perform tasks or operations or provide services to client institutions either on a daily or continuing basis, except as shall be necessary to instruct the client institution on how to perform such services for itself. See also the Board's interpretation of bank management consulting advice (12 CFR 225.131). This interpretation shall apply to the performance of management consulting services for nonbank depository institutions as well as for commercial banks.

[11] A bank holding company that has received the Board's prior approval to engage in offering management consulting advice to nonaffiliated commercial banks as of April 20, 1982, may offer such advice to nonbank depository institutions pursuant to this paragraph without filing an application under section 4(c)(8) of the Bank Holding Company Act for prior approval to engage in the activity, provided that it does not acquire a going concern to provide such advice.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Airworthiness Docket No. 79–NE–16; Amdt. 39–4351]

Airworthiness Directives; Sikorsky S–76A Helicopters Certificated in All Categories

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Revocation of Airworthiness Directive (AD).

SUMMARY: AD 80–04–10 requires a one-time fluorescent penetrant inspection and daily visual inspections of the S–76A helicopter main rotor hub. However, since all main rotor hubs have been removed from service that showed crack indications utilizing an FAA-approved ultrasonic inspection procedure, the FAA has determined that there is no further need for the daily visual inspections of the affected serial numbered aircraft.
Therefore, AD 80–04–10 is revoked.

DATES: Effective March 29, 1982.

FOR FURTHER INFORMATION CONTACT: Martin Buckman, ANE–152, Boston Aircraft Certification Branch, Aircraft Cetification Division, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273–7329.

SUPPLEMENTARY INFORMATION: On November 17, 1979, telegraphic AD T79NE16 was adopted and made effective immediately to all known United States operators of the Sikorsky S–76A helicopter. Amendment 39–3698, AD 80–04–10, a revised version of the telegraphic AD, was published in the **Federal Register** (41 FR 10755). The AD applicability statement lists rotorcraft serial numbers and includes the telegraphic AD's daily visual hub inspections and a one-time fluorescent penetrant inspection. The action was required as a result of cracking found in a main rotor hub subsequently traced to a certain batch of main rotor hubs. Corrective action was required to preclude potential structural failure of the hub and subsequent loss of a main rotor blade.

Sikorsky developed an ultrasonic inspection procedure for cracks in the hub area described in the AD, and obtained FAA approval. Documentation has been provided that the main rotor hubs of certificated aircraft, Serial Nos. 76004 (experimental), 76005 through 76007, and 790001 through 760051, have

received an ultrasonic inspection by a select manufacturer's team. Aircraft 76002 was used as a ground test vehicle subjected to static tests and is no longer in flight status. The documentation indicates that all hubs that showed ultrasonic inspection indications were recalled.

Thus, based on the data submitted, the FAA has determined that there is no need for the daily visual inspections for the serial numbered rotorcraft listed in AD 80-04-10. Also, improved quality assurance procedures, approved by the FAA, are now specified on type design drawings, and the maintenance manual now calls for visual 20-hour/7-day main rotor hub inspections for "security and general condition."

Therefore, in accordance with the agency's policy of eliminating unnecessary regulations when possible, AD 80-04-10 is being revoked.

Adoption of the Amendment

§ 39.13 [Amended]

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 revoking Amendment 39-3698 (41 FR 10755), AD 80-04-10.

This Amendment 39-4351 cancels and entirely deletes AD 80-04-10, Amendment 39-3698, and becomes effective March 29, 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 document involves a regulation which is not major under Executive Order 12291, or significant under DOT Regulatory Policies and procedures (44 FR 11034; February 27, 1979). Since this regulatory action removes a requirement and imposes no additional burden on any person, the anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

Issued in Fort Worth, Texas, on March 11, 1982.

C. R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 82-8429 Filed 3-26-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-ASO-8]

Alteration of Control Zones; Cocoa (Patrick AFB), Florida; Melbourne, Florida; and Titusville, Florida

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This rule alters the descriptions of the control zones centered on Patrick Air Force Base, Melbourne Regional Airport and Titusville-Cocoa Airport by (1) correcting the geographical coordinates of the airports, (2) corrects the name of the Titusville-Cocoa Airport, and (3) corrects the numerical designator of a Restricted Area.

DATES: Effective Date: 0901 G.m.t., May 13, 1982. Comments on the rule must be received before May 1, 1982.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, ATTN: Chief, Airspace and Procedures Branch, ASO-530, P.O. Box 20636, Atlanta, Georgia 30320.

The official public docket will be available for examination in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763-7646.

FOR FURTHER INFORMATION CONTACT: Donald Ross, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

History

In the Cocoa (Patrick AFB), Florida; Melbourne, Florida; and Titusville, Florida, Control Zones described in § 71.171 (46 FR 455), the geographical coordinates of the airports are listed erroneously and this rule corrects the coordinates in each description. In addition, the name of the Titusville-Cocoa Airport and the numerical designator of a Restricted Area are corrected.

This amendment represents a change in the technical description of the control zones and imposes no greater constraints on the public than presently exist.

Request for Comments on the Rule

Although this action is in the form of a Final Rule and was not preceded by notice and public procedure, comments are invited on the rule. The FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, rulemaking proceedings will be initiated to amend the regulation.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations alters the control zones centered on Patrick Air Force Base, Melbourne Regional Airport and Titusville-Cocoa Airport. The name of the Titusville-Cocoa Airport and the designator of a Restricted Area are also corrected. Therefore, I find that notice or public procedure under 5 U.S.C. 533 is impractical and good cause exists for making the rule effective without prior notice and public procedure hereon.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.171, Subpart G, of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (and amended) (46 FR 455) is further amended, effective 0901 GMT, May 13, 1982, by adding the following:

Cocoa (Patrick AFB), Florida

By deleting "* * * (Lat. 28°14'21" N., Long. 80°36'28" W.) * * *" and substituting "* * * (Lat. 28°14'17" N., Long. 80°36'33" W.) * * *" therefor, and by deleting "* * * 80°38'36" W. * * *" and substituting "* * * 80°38'26" W.) * * *" therefor.

Melbourne, Florida

By deleting "* * * 80°38'36" W. * * *" and substituting "* * * 80°38'26" W.) * * *" therefor, and by deleting "* * * 28°14'21" N., Long. 80°36'28" W.) * * *" and substituting "* * * (28°14'17" N., Long. 80°36'33" W.) * * *" therefor.

Titusville, Florida

By deleting "* * * TI-CO Airport (latitude 28°30'42" N., longitude 80°48'00" W.); excluding the portion with R-2922 * * *" and substituting "* * * Titusville-Cocoa Airport (Lat. 28°30'45" N., Long. 80°48'11" W.); excluding the portion within R2926 * * *" therefor.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

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) it is certified that the rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

This action involves only a small alteration of navigable airspace and air traffic control procedures over a limited area.

Issued in East Point, Georgia, on March 19, 1982.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 82-8348 Filed 3-26-82; 8:45 am]

BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

14 CFR Part 385

[Reg. OR-195; Amdt. No. 123 to Part 385]

Delegations and Review of Action Under Delegation; Nonhearing Matters; Director, Bureau of Domestic Aviation

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB delegates to the Director of its Bureau of Domestic Aviation the authority to extend an airline's subsidy rate after the rate term has expired, while it negotiates a new rate with that airline or evaluates subsidy proposals from other airlines.

DATES: Adopted: March 24, 1982. Effective: March 29, 1982.

FOR FURTHER INFORMATION CONTACT: John R. Hokanson, Chief, Air Carrier Subsidy Need Division, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; 202-673-5368.

SUPPLEMENTARY INFORMATION: Section 419 of the Federal Aviation Act guarantees essential air service to small communities that are eligible points. The Board may pay a subsidy to a carrier to ensure that the required level of service is provided. A carrier's subsidy rate is usually established for a 1- or 2-year period, after which the Board negotiates a new subsidy rate with that carrier or seeks another carrier to provide the subsidized service. Although the process of negotiating a new rate or finding a new carrier is usually begun before the end of the carrier's subsidy term, it may not be finished until after that term has expired. To ensure that the community involved continues to receive scheduled airline service, it may be necessary to continue the incumbent carrier's subsidy rate beyond its expiration date. To expedite this process and ensure that there are no gaps in the carrier's payments, we are delegating to the Director of the Bureau of Domestic Aviation authority to extend a carrier's subsidy rate beyond its expiration date. The amounts paid to a carrier during this period will be subject to adjustment by the Board.

Since this is a rule of agency organization and procedure and merely conforms one provision in our rules to another, the Board finds that notice and public procedure are unnecessary and that the rule may take effect in less than 30 days.

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION; NONHEARING MATTERS

Accordingly, the Board amends 14 CFR Part 385, Delegations and Review of Action Under Delegation; Nonhearing Matters, as follows:

1. The authority for Part 385 is:

Authority: Secs. 102, 204, 401, 402, 403, 407, 416, Pub. L. 85-726, as amended, 72 Stat. 740, 743, 754, 757, 758, 766, 771, (49 U.S.C. 1302, 1324, 1371, 1372, 1373, 1377, 1386); Reorganization Plan No. 3 of 1961, 26 FR 5989.

2. A new paragraph (i) is added to § 385.13, to read:

§ 385.13 Delegation to the Director, Bureau of Domestic Aviation.

* * * * *

(i) Extend the term of a carrier's subsidy relate established under section 419 of the Act, with the amounts paid during the extension subject to adjustment by the Board.

* * * * *

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82-8354 Filed 3-26-82; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

15 CFR Part 806

Direct Investment Reporting Forms; Solicitation of Written Comments on Proposed Rule Changes

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Final rule.

SUMMARY: The International Investment Survey Act of 1976 requires the collection of certain information pertaining to international investment, including direct investment. These amendments alter certain direct investment reporting forms. These changes consolidate certain forms, expand the use of other forms, and eliminate some statistical data reporting requirements.

EFFECTIVE DATE: The changes relating to Forms BE-577, BE-578, and BE-578B will be effected commencing on January 1, 1982 for reports covering reporting periods occurring in 1982. However, if, as seems likely, the new Form BE-577 cannot be printed in time for use in reporting for the first quarter of 1982, old forms BE-577, BE-578, and BE-578B will be used for first quarter 1982 reports. However, the new exemption level will be effective even if the old report forms are used.

The changes relating to the BE-13 report will be effective commencing on January 1, 1982 for reports covering transactions occurring in 1982.

The title of Form BE-15 will be changed on the annual report for 1981.

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), the reporting or recordkeeping provisions that are included in this final rule will not become effective until Office of Management and Budget approval has been obtained.

FOR FURTHER INFORMATION CONTACT: George R. Kruer, Chief, International Investment Division, Bureau of Economic Analysis, U.S. Department of Commerce, Washington, D.C. 20230, (202) 523-0657.

SUPPLEMENTARY INFORMATION: This action amends the regulations to effect the following rule changes:

(1) Eliminate Forms BE-578, Transactions of U.S. Reporter with Unincorporated Foreign Affiliate, Except a Bank, and BE-578B, Transactions of U.S. Reporter with Unincorporated Foreign Banking Affiliate; instead, unincorporated foreign affiliates—bank and nonbank—will report on Form BE-577. The title, instructions, and data sections of Form BE-577 will be changed to accommodate use of that form by unincorporated affiliates.

(2) Raise the exemption level for Form BE-577 (as revised) from $5,000,000 to $10,000,000.

(3) Introduced special exemption criteria to reduce the number of BE-577 reports required to be filed by U.S. Reporters to report direct transactions with foreign affiliates in which they do not hold a direct equity interest.

(4) Modify the BE-13, Report on a Foreign Person's Establishment, Acquisition, or Purchase of the Operating Assets of a U.S. Business Enterprise, Including Real Estate, to eliminate the reporting of much of the statistical data presently contained in Forms BE-13A and BE-13B. As a result, Forms BE-13A and BE-13B will be combined into one report—Form BE-13, Initial Report on a Foreign Person's Direct or Indirect Acquisition, Establishment, or Purchase of the Operating Assets, of a U.S. Business Enterprise, Including Real Estate.

(5) Change the title of Form BE-15 from "Interim Survey of Foreign Direct Investment in the U.S." to "Annual

Survey of Foreign Direct Investment in the U.S." and eliminate from the regulations the specific reference that 1977 was the first year of coverage.

In the February 1, 1982 **Federal Register**, Volume 47, No. 21 (47 FR 4530), BEA published a notice of its intent to change the rules and soliciting comments on the proposed rule changes. No comments were received and these final rule changes are the same as the proposed rule changes.

The Bureau of Economic Analysis has determined that these final rule changes are not "major" under Executive Order 12291. The public use burden will be undertaken within the Department of Commerce allocated FY 1982 Information Collection Budget ceiling.

Regulatory Flexibility Act—The provisions of the Regulatory Flexibility Act relating to preparation of a regulatory flexibility analysis are not applicable to these rule changes because they will not have a significant economic impact on a substantial number of small entities. In fact, the opposite is true, the burden is being reduced, either by increasing the exemption level or reducing the amount of data collected on existing report forms.

Accordingly, the General Counsel, Department of Commerce, has certified under provisions of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that these rule changes will not have a significant economic impact on a substantial number of small entities.

Part 806 is therefore modified as set forth below.

George Jaszi,
Director, BEA.

PART 806—DIRECT INVESTMENT SURVEYS

1. In § 806.14, the present paragraph (e) is revised to read as follows:

§ 806.14 U.S. direct investment abroad.

* * * * *

(e) Quarterly report form. (1) BE–577—Transactions of U.S. Reporter with Foreign Affiliate: One report is required for each foreign affiliate exceeding an exemption level of $10,000,000 except that a report need not be filed by a U.S. Reporter to report direct transactions with one of its foreign affiliates in which it does not hold a direct equity interest unless an intercompany balance or fee and royalty receipts or payments for the quarter exceed $1,000,000.

2. In § 806.15, present paragraphs (i) and (j)(3) are revised to read as follows:

§ 806.15 Foreign direct investment in the United States.

* * * * *

(i) Annual report form. BE–15—Annual Survey of Foreign Direct Investment in the United States: One report is required for each consolidated U.S. affiliate, except a bank, exceeding an exemption level of $5,000,000, except that a U.S. affiliate which own 200 acres or more of U.S. land must report regardless of the value of the items on which the exemption level is based, i.e., total assets; sales or gross operating revenues, excluding sales taxes; and net income after income taxes, whether positive or negative. U.S. affiliates that are banks are exempt from the reporting requirements of this survey.

(j) Other report forms.

* * * * *

(3) BE–13—Initial Report on a Foreign Person's Direct or Indirect Acquisition, Establishment, or Purchase of the Operating Assets, of a U.S. Business Enterprise, Including Real Estate. This report is to be filed either:

(i) By a U.S. business enterprise when a foreign person establishes or acquires directly, or indirectly through an existing U.S. affiliate, a 10 percent or more voting interest in that enterprise, including an enterprise that results from the direct or indirect acquisition by a foreign person of a business segment or operating unit of an existing U.S. business enterprise that is then organized as a separate legal entity; or

(ii) By the existing U.S. affiliate of a foreign person when it acquires a U.S. business enterprise, or a business segment or operating unit of a U.S. business enterprise, that the existing U.S. affiliate merges into its own operations rather than continuing or organizing as a separate legal entity.

A separate report must be filed for each foreign parent or existing U.S. affiliate that is a party to the transaction.

Exclusions and Exemptions

(a) Residential real estate held exclusively for personal use and not for profitmaking purposes is not subject to the reporting requirements. A residence which is an owner's primary residence that is then leased by the owner while outside the United States but which the owner intends to reoccupy, is considered real estate held for personal use. Ownership of residential real estate by a corporation whose sole purpose is to hold the real estate and where the real estate is for the personal use of the individual owner(s) of the corporation, is considered real estate held for personal use.

(b) An existing U.S. affiliate is exempt from reporting the acquisition of either a U.S. business enterprise, or a business segment or operating unit of a U.S. business enterprise, that it then merges into its own operations, if the total cost of the acquisition was $1,000,000 or less and does not involve the purchase of 200 acres or more of U.S. land. (If the acquisition involves the purchase of 200 acres or more of U.S. land, it must be reported regardless of the total cost of the acquisition.)

(c) An established or acquired U.S. business enterprise, as consolidated, is exempt if its total assets (not the foreign parent's or existing U.S. affiliate's share) at the time of acquisition or immediately after being established were $1,000,000 or less and it does not own 200 acres or more of U.S. land. (If it owns 200 acres or more of U.S. land, it must report regardless of the value of total assets.)

If exempt under (b) or (c), the existing U.S. affiliate or the established or acquired U.S. business enterprise must, nevertheless, file an "Exemption Claim, Form BE–13" to validate the exemption.

3. In § 806.15(j)(4), paragraphs (A) and (B) are redesignated (i) and (ii) and in § 806.15(j)(4), the second undesignated paragraph; which presently reads: "If a U.S. person required to file a Form BE–14 files either Form BE–13A or Form BE–13B relating to the acquisition of the U.S. business enterprise by a foreign person, then Form BE–14 is not required."; is revised to read as follows and is made a part of the preceding paragraph:

* * * * *

(i) * * *

(4) * * *

* * * If a U.S. person required to file a Form BE–14 files Form BE–13 relating to the acquisition of the U.S. business enterprise by a foreign person, then Form BE–14 is not required.

* * * * *

(5 U.S.C. 301, 22 U.S.C. 3101–3108, and Executive Order 11961)

[FR Doc. 82-8014 Filed 3-26-82; 8:45 am]
BILLING CODE 3510-06-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Government National Mortgage Association

24 CFR Part 390

[Docket No. R-82-968]

Graduated Payment Mortgage-Backed Securities

AGENCY: Department of Housing and Urban Development, Government National Mortgage Association (GNMA).

ACTION: Final rule.

SUMMARY: This rule permits inclusion of graduated payment mortgages guaranteed by the Veterans Administration in mortgage pools under the GNMA Mortgage-Backed Securities Program. Authority to guarantee securities backed by both HUD-insured and VA-guaranteed mortgages was

conferred upon the Government National Mortgage Association under the National Housing Act. The Government National Mortgage Association has customarily structured its programs to accommodate the paralleled programs of HUD and the VA. This amendment will facilitate the implementation of the VA program by providing lenders with a secondary market mechanism which will allow them to replenish their capital resources for the origination of additional loans.

EFFECTIVE DATE: May 17, 1982.

FOR FURTHER INFORMATION CONTACT: Warren Lasko, Vice President, Office of Mortgage-Backed Securities, Government National Mortgage Association, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755-8772. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: Graduated payment mortgages (GPMs) are loans that defer payment of a portion of the interest that would otherwise be due monthly during their early years under standard amortization schedules. The deferred interest is recouped through the process of negative amortization whereby the difference between the scheduled payment on a mortgage and the amount of interest actually required to be paid under the GPM is added monthly to the outstanding principal balance of the loan. GPMs are intended to encourage home ownership by allowing persons to obtain mortgage credit who presently cannot qualify, because of inadequate income, for standard fixed rate mortgages but who have reasonable expectations of higher earnings in the future.

The Government National Mortgage Association (GNMA) guarantees the timely payment of principal and interest on securities backed by groups or pools of mortgages insured by the Department of Housing and Urban Development (HUD) or guaranteed by the Veterans Administration (VA) or the Farmers Home Administration (FmHA). In addition to its standard fixed rate single-family mortgage-backed securities program, GNMA established a new single-family program in 1979 to provide a secondary market for GPMs insured by HUD under section 245 of the National Housing Act. At that time no VA program had been developed.

In light of the authority to guarantee securities backed by both HUD-insured and VA-guaranteed mortgages conferred upon GNMA under section 306(g) of the National Housing Act, GNMA customarily has structured its programs to accommodate the parallel programs of HUD and the VA. Pursuant to 38 U.S.C. 1803(d)(2), as amended by Pub. L. 97-66, the VA has recently instituted a GPM program. Accordingly, GNMA is following its past policy to include VA-guaranteed GPMs in the GNMA Mortgage-Backed Securities Program which now exists for FHA-insured GPMs.

Since this amendment to 24 CFR 390.42 does not otherwise affect the existing regulatory framework of the GNMA Graduated Payment Mortgage-Backed Securities Program and merely tracks the provisions of section 306(g) with respect to mortgages guaranteed under Chapter 37 of Title 38, United States Code, the Secretary has determined that notice and public procedure on this amendment are unnecessary.

In addition, this amendment will facilitate the implementation of the VA program by providing lenders with a secondary market mechanism which will allow them to replenish their capital resources for the origination of additional loans. Borrowers will, therefore, benefit from the increased availability of the new VA program. However, until the GNMA secondary market mechanism is made available to them, lenders will be reluctant to originate VA-guaranteed loans and hold the loans in inventory at high interest costs. Since any delay in making this amendment effective will frustrate the VA program, it is in the public interest to make this amendment effective as soon as possible. Accordingly, the Secretary has also determined that the delay resulting from notice and public procedure on this amendment would be contrary to the public interest.

For these reasons, good cause exists for making this rule effective as a final rule, without providing for a public comment period, on the date set forth above.

This rule does not constitute a "major rule", as that term is defined in section 1(b) of Executive Order 12291 on Federal regulation. 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 the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implements section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Room 5218, 451 Seventh 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.

This rule was not listed on the Department's Semiannual Agenda of Regulations published on August 17, 1981 in 46 FR 41708, pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

PART 390—GUARANTY OF MORTGAGE-BACKED SECURITIES

Accordingly, 24 CFR Part 390, Subpart C—Graduated Payment Mortgage-Backed Securities, is amended by revising § 390.42 to read as follows:

§ 390.42 Eligible mortgages.

Each issue of guaranteed securities shall be based on and backed by a pool of Graduated Payment Mortgages which are insured under the National Housing Act or guaranteed under Chapter 37 of Title 38, United States Code: *Provided*, That all such pooled mortgages shall provide for equal (level) monthly installments beginning no later than the 61st scheduled monthly installment.

(Sec. 309(a), National Housing Act (12 U.S.C. 1723a(a); Sec. 7(d) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(d)))

Dated: March 22, 1982.

Robert W. Karpe,

President, Government National Mortgage Association.

[FR Doc. 82-8315 Filed 3-26-82; 8:45 am]

BILLING CODE 4210-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-9-FRL-2068-1]

Approval and Promulgation of Implementation Plans; San Francisco Bay Area Air Basin Nonattainment Area Plan State of California

AGENCY: Environmental Protection Agency.

ACTION: Final Rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) today approves a revision to the California State Implementation Plan (SIP), which consists of a plan for attainment of the secondary Total Suspended Particulate (TSP) National Ambient Air Quality Standard (NAAQS) in Santa Clara County.

Based on EPA's evaluation, the revision meets requirements of the Clean Air Act. This action will be effective 60 days from the date of this notice unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

DATE: This action is effective May 28, 1982.

ADDRESSES: Written comments should be addressed to Douglas Grano of the EPA Region 9 Air Programs Branch (address below). Copies of the revision and EPA's evaluation report are available for public inspection during normal business hours at the following locations:

Public Information Reference Unit, Environmental Protection Agency, Library, 401 "M" Street SW., Room 2404, Washington, D.C. 20460
Library, Office of the Federal Register, 1100 "L" Street NW., Room 8401, Washington, D.C. 20408
California Air Resources Board, 1102 "Q" Street, P.O. Box 2815, Sacramento, CA 95812
Bay Area Air Quality Management District, 939 Ellis Street, San Francisco, CA 94109
Association of Bay Area Governments, Hotel Claremont, Berkeley, CA 94705
Metropolitan Transportation Commission, Hotel Claremont, Berkeley, CA 94705.

FOR FURTHER INFORMATION CONTACT: Douglas Grano, Chief, State Implementation Plan Section, Air Programs Branch, Air Management Division, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105, (415) 974–8222.

SUPPLEMENTARY INFORMATION:

Description of SIP Revision

On March 16, 1981 the California Air Resources Board (ARB) submitted an addendum to the San Francisco Bay Area Air Basin Control Strategy (Chapter 15) to EPA as a revision to the California SIP.

The addendum consists of a plan for the attainment of the secondary TSP Standard in the Santa Clara County portion of the San Francisco Bay area air basin. The addendum was prepared as part of the joint air quality planning program of the Bay Area Air Quality Management District, the Association of Bay Area Governments, and the Metropolitan Transportation Commission. The plan consists of baseline data and recommendations for studies to determine those actions necessary for the attainment of the secondary TSP standard.

EPA Actions

All portions of the San Francisco Bay Area Air Basin NAP for secondary TSP have been determined to be consistent with Section 172 of the Clean Air Act. Therefore, the plan is approved and incorporated into the SIP.

Regulatory Process

EPA is approving this revision to the California SIP since it meets EPA's requirements. This is being done without prior proposal because the revision is noncontroversial, has limited impact, and no comments are anticipated. The public should be advised that this action will be effective 60 days from the date of this notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, the approval will be withdrawn and a subsequent notice will be published before the effective date. The subsequent notice will indefinitely postpone the effective date, modify the final action to a proposed action, and establish a comment period.

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

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

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

(Secs. 110, 129, 171 to 178, 301(a), Clean Air Act, as amended (42 U.S.C. 7410, 7429, 7501 to 7508, 7601(a)))

Dated: March 23, 1982.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart F—California

1. Section 52.220 is amended by adding paragraph (c)(112) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(112) Plan for Attainment of the Federal Secondary Total Suspended Particulate Standard in Santa Clara County, an addendum to the San Francisco Bay Area Air Basin Control Strategy (Chapter 15) submitted on March 16, 1981, by the Governor's designee.

* * * * *

2. Section 52.223 is amended by adding paragraph (b)(9) to read as follows:

§ 52.223 Approval status.

* * * * *

(b) * * *

(9) San Francisco Bay Area Air Basin for TSP.

* * * * *

3. In § 52.238, the entries for the San Francisco Bay Area Intrastate are revised as follows:

§ 52.238 Attainment dates for national standards.

* * * * *

Air quality control region and nonattainment area	Pollutants						
	TSP		SO_2		NO_2	CO	O_3
	Primary	Secondary	Primary	Secondary			
*	*	*	*	*	*	*	
San Francisco Bay Area Air Basin	(d)	(d)	(e)	(e)	(e)	(i)	(i)
*	*	*	*	*	*	*	

[FR Doc. 82-8351 Filed 3-26-82; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-6-FRL-2071-4]

Approval and Promulgation of Revisions to the Texas State Implementation Plan Regarding Intergovernmental Consultation and Composition of the Texas Air Control Board

AGENCY: Environmental Protection Agency (EPA).
ACTION: Final Rulemaking.

SUMMARY: The purpose of this notice is to approve various minor revisions to the Texas State Implementation Plan (SIP) that were submitted by the Governor on April 13, 1979, in fulfillment of the Federal Clean Air Act Amendments of 1977. The Environmental Protection Agency (EPA) conditionally approved plan revisions on March 25, 1980, that were also submitted April 13, 1979, to meet the requirements of Part D (Plan Requirements for Nonattainment Areas) of the Act. The revisions being acted on today are non-Part D requirements and relate to intergovernmental consultation and composition of the Texas Air Control Board to insure protection of the public interest in air quality planning and implementation. In reviewing the State's submittal, EPA assessed the ability of the revisions to meet the requirements of the 1977 amendments.

EFFECTIVE DATE: This action will be effective on May 28, 1982 unless notice is received by April 28, 1982 that someone wishes to submit adverse or critical comments.

ADDRESSES: A copy of the State's submittals and incorporation by reference materials are available for review during normal business hours at the following locations:

Environmental Protection Agency, Library, Region 6, 1201 Elm Street, Dallas, Texas 75270
Environmental Protection Agency, Public Information Reference Unit (PM-213), EPA Library, 401 M Street SW., Washington, D.C. 20460
The Office of the Federal Register, 1100 L Street NE., Room 8401, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: John R. Hepola, Chief, State Programs Section, Air Branch, Air and Waste Management Division, EPA Region 6, 1201 Elm Street, Dallas, Texas 75270. Phone: (214) 767-2742.

SUPPLEMENTARY INFORMATION: On April 13, 1979, the Governor of Texas submitted revisions to the Texas SIP in fulfillment of the Federal Clean Air Act Amendments of 1977. These revisions relate to new non-Part D requirements for intergovernmental consultation and composition of the Texas Air Control Board. EPA has reviewed the State's submittals and developed an Evaluation Report [1] which describes the new 1977 requirements and evaluates the State's efforts to satisfy those requirements. This evaluation report is available for review during normal business hours at the addresses listed above.

The Texas Air Control Board has revised the Texas State Implementation Plan to include the following non-Part D requirements:

—*Intergovernmental Consultation* Section 121 of the Clean Air Act requires intergovernmental consultation and coordination among State and local officials in the achievement of national air quality planning and management. As the lead agency responsible for statewide air pollution control and abatement, the TACB has developed and implemented a State process for consultation and planning with relevant local governmental organizations. The TACB has entered into formal agreements with designated Metropolitan Planning Organizations for air quality planning in their respective areas.

—*State Boards* Section 128 of the Clean Air Act requires that any board or body which approves permits or enforcement orders must contain a majority of members who represent the public interest and do not derive any significant portion of their income from persons subject to the board's permits or enforcement orders, and that members of such board or body adequately disclose any potential conflicts of interest. The Texas Clean Air Act requires that five of the nine members of the Texas Air Control Board shall be chosen to represent the public interest and that those members of the TACB shall not derive any significant portion of their income from persons subject to permits or enforcement orders. Sections 3 and 5 of the Texas Standards of Conduct of State Officers and Employees, TEX. REV. CIV. STAT. ANN. art. 6252-9b (Vernon), require the Texas Air Control Board members and the Executive Director to file a financial disclosure statement annually with the Texas Secretary of State. Section 6 of the Texas Standards of Conduct of State Officers and Employees requires that if a member of a board has a personal or private interest in any measure, proposal, or decision pending before the board, he shall publicly disclose the fact to the board in a meeting held in compliance with the Texas Open Meetings Law and shall not vote or otherwise participate in the decision. By incorporation of these requirements into the Texas SIP, it is the State's intent and desire that the interests of the public be adequately protected.

The revisions included in this approval notice are considered minor in nature and noncontroversial. EPA is approving them without prior proposal. This action will be effective May 28, 1982. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the attached rule will not have significant economic impact on a substantial number of small entities since it imposes no new requirements.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final rulemaking is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of publication. 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.

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

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

(Sec. 110 of the Clean Air Act, as amended, 42 U.S.C. 7410)

Dated: March 23, 1982.

Anne M. Gorsuch,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart SS—Texas

1. In § 52.2270, paragraph (c) is amended by adding paragraph (32) as follows:

[1] Evaluation Report for Revisions to the Texas State Implementation Plan as Required by the 1977 Clean Air Act Amendments. November 1981.

§ 52.2270 Identification of plan.

* * * * *

(c) * * *

(32) Revisions to the plan for intergovernmental consultation and composition of the Texas Air Control Board were submitted by the Governor on April 13, 1979.

[FR Doc. 82-8352 Filed 3-26-82; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-1-FRL-2034-5]

Approval and Promulgation of Implementation Plans; Massachusetts; VOC Surface Coating Bubble

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The purpose of this rule is to approve the State Implementation Plan (SIP) revision for the Massachusetts volatile organic compound (VOC) surface coating bubble regulation which was submitted by the Governor of Massachusetts on March 6, 1981. This plan revision was prepared by the state to meet the requirements of Part D (Plan Requirements for Non-Attainment Areas) and certain other sections of the Clean Air Act (the Act), as amended in 1977.

EFFECTIVE DATE: April 28, 1982.

FOR FURTHER INFORMATION CONTACT: Cynthia L. Greene, Air Branch, EPA Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203, (617) 223-5630.

ADDRESSES: Copies of the Massachusetts submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; the Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, DC; and the Department of Environmental Quality Engineering (DEQE), Division of Air Quality Control, One Winter Street, Boston, Massachusetts 02108.

SUPPLEMENTARY INFORMATION: In a notice of proposed rulemaking (NPR), published July 21, 1981 (46 FR 37525), EPA proposed approval of Regulation 310 CMR 7.18(2)(b), which was submitted by the Governor on March 6, 1981. That approval was conditioned upon receiving a commitment from the State to meet conditions, as set forth in the NPR, prior to the Final Rulemaking Notice (FRN). The state's submittal and EPA's conditions were fully explained in the NPR and will not be restated here.

On November 12, 1981, the state submitted a letter to EPA committing to meet all of the six conditions identified in the NPR and to include the compliance schedules for 310 CMR 7.18(14), (15) and (16) as approved on March 8, 1982 (46 FR 9835). By referencing this letter in today's promulgation under § 52.1120(c)(42), EPA incorporates this letter into the Massachusetts VOC surface coating bubble program as approved by EPA.

In its letter, Massachusetts stated its intent to insure that no hazardous pollutants will increase in exchange for a decrease in nonhazardous pollutants and committed to make further revisions to the state regulations at a future date by February 1, 1982. Additionally upon further review of Massachusetts Regulation 310 CMR 7.18(2)(b), it has been determined that EPA's general bubble requirement, listed in the NPR as condition 2, that a bubble not be used to increase emissions above the limitations set under the Prevention of Significant Deterioration program (PSD), the New Source Review program (NSR), the New Source Performance Standards (NSPS), the National Emissions Standards of Hazardous Air Pollutants (NESHAPS), or any Clean Air Act requirement for new or modified sources, is currently met because Massachusetts' bubble regulation allows variations only from reasonably available control technology (RACT) requirements for existing coating lines.

Although the letter expressly states that Massachusetts agrees to the six specific conditions stated in the July 21, 1981 NPR, the subsequent list omits any specific reference to part of the fourth condition. That condition stated that the new emission limits set for each emission point must be approvable according to the test methods for VOC surface coaters as specified in 310 CMR 7.18 and those test methods must be federally enforceable. The State has clarified this apparent inconsistency and has informed EPA that it intends to satisfy this condition, along with all other conditions.

Therefore, EPA has determined that Massachusetts has met the conditions as set out in the NPR for sources in the following categories which are currently part of the approved SIP: 310 CMR 7.18(4) metal can surface coating, 310 CMR 7.18(5) large appliance surface coating, 310 CMR 7.18(6) magnetic wire insulation surface coating, 310 CMR 7.18(7) automobile surface coating, 310 CMR 7.18(14) paper surface coating, 310 CMR 7.18(15) fabric surface coating, and 310 CMR 7.18(16) vinyl surface coating. As discussed in the NPR, those additional categories which are presently not part of the approved SIP will be added in separate rulemaking, if and when they are approved.

Four people sent in comments and all were in support of EPA approving regulation 310 CMR 7.18(2)(b). One commenter asked for deletion of all the conditions set forth in the NPR, and two of the four asked for changes in the body of the regulation to provide industry with more flexibility.

One commenter objected to each of the six conditions set forth in the NPR. EPA set forth the six conditions for approval to make the Massachusetts submittal consistent with EPA policy for generic bubbles as specified in the December 11, 1979, **Federal Register** (44 FR 71780), and amended in the April 6, 1981 New Jersey rulemaking (46 FR 20551). The majority of the conditions, as the commenter points out, are simple administrative or procedural details. These details are designed to insure that EPA and the public are kept informed regarding alternative emission reduction plans which are approved by the state in lieu of achieving RACT for each individual coating line. The conditions, contrary to the commenter's statement, do not require that each bubble plan be the subject of a public hearing, only that the state adopt a reasonable system for public notice.

This commenter's major argument is that the conditions in the NPR "will have a significant economic impact pursuant to the provisions of 5 U.S.C. 605(b); Section 110 and 172 of the Clean Air Act and (will) violate the Executive Order (12291)". EPA disagrees because these conditions will make the regulation approvable, and approval of this regulation will eliminate the requirement for each bubble plan to be submitted for EPA approval as a source-specific SIP revision and this in turn will reduce the economic burden to all parties involved in these bubbles. In addition, the conditions do not significantly increase the burden of the program initially proposed by Massachusetts.

Two commenters requested that the bubble be considered statewide because the intent of the bubble is to reduce VOC emissions throughout the state. The Massachusetts bubble regulation 310 CMR 7.18(2)(b), only provides for plant-specific bubbles. If a source asks to bubble between noncontiguous sites the state would have to develop a new regulation that applies to noncontiguous site bubbles, or the source would have

to apply for a variance, and EPA would review that bubble as a source-specific SIP revision. This type of bubble would be examined by EPA to determine the impact on ambient air quality and the statewide goal of attaining and maintaining the ozone standard.

One commenter asked for an extended averaging time to determine compliance because the commenter's source is a custom coater and uses many different coatings on one line. EPA policy allows approval of generic VOC bubbles using daily averaging periods. Since ozone violations occur on a daily basis, EPA does not find it appropriate to give blanket approval to all sources for a longer bubble averaging period.

Another commenter requested that DEQE provide for banking of Emission Reduction Credits (ERCs). The DEQE is developing a generic VOC regulation at this time that will include banking of ERCs.

Additional comments dealing with specific requirements of the surface coating regulations themselves were made by one commenter. These comments have been adequately addressed in the DEQE record of decision for the control of VOC from paper, fabric, and vinyl surface coaters (310 CMR 7.18(14), (15), and (16)). This document and additional responses to comments not discussed here are available in a Supplemental Response Document (at locations cited in the **ADDRESSES** section of this Rulemaking).

The emission limitations in a bubble developed under Massachusetts Regulation 310 CMR 7.18(2)(b) are the applicable requirements in the SIP, enforceable by EPA and private citizens under section 113 and 304(a) of the Clean Air Act.

Final Action

EPA is approving the March 6, 1981 and the November 12, 1981 submittals of 310 CMR 7.18(2)(b) for Massachusetts VOC surface coaters as it applies to 310 CMR 7.18(4), (5), (6), (7), (14), (15), and (16).

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the present rule will not have a significant economic impact on a substantial number of small entities since it imposes no new requirements, it provides for greater flexibility and the use of more cost-effective measures in meeting existing state requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirements of a Regulatory Impact Analysis. This regulation is not Major because it will only approve Massachusetts state actions enabling sources to meet the existing state requirements with more cost-effective control strategies and with greater flexibility. Further, this regulation should decrease the time between application and implementation of certain alternative, more cost-effective control strategies by eliminating the requirement that they be individually approved by EPA through the SIP revision process.

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

Under section 307(b) of the Clean Air Act, judicial review of this action is available *only* by filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under section 307(b)(2) of the 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.

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

Dated: March 23, 1982.

Anne M. Gorsuch,

Administrator.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart W—Massachusetts

1. Section 52.1120, paragraph (c) is amended by adding subparagraph (42) as follows:

§ 52.1120 Identification of plan.

* * * * *

(c)* * *

(42) Regulation 310 CMR 7.18(2)(b), to allow existing surface coating lines regulated under 310 CMR 7.18 (4), (5), (6), (7), (14), (15), and (16) to bubble emissions to meet the requirements of Part D for ozone was submitted by the Governor on March 6, 1981, and a letter clarifying state procedures was submitted on November 12, 1981. The emission limitations required by the federally-approved portion of 310 CMR 7.18 are the applicable requirements of the Massachusetts SIP for the purposes of section 113 of the Clean Air Act and shall be enforceable by EPA and by citizens in the same manner as other requirements of the SIP; except that emission limitations adopted by the state under and which comply with 310 CMR 7.18 (2)(b) and the procedures set out in the letter of November 12, 1981 shall be the applicable requirements of the Massachusetts SIP in lieu of those contained elsewhere in 310 CMR 7.18 and shall be enforceable by EPA and by citizens.

[FR Doc. 82-8349 Filed 3-26-82; 8:45 am]

BILLING CODE 6560-38-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

41 CFR Ch. 7

[AIDPR Notice 82-3]

Miscellaneous Revisions to the AID Procurement Regulations

AGENCY: Agency for International Development, IDCA.

ACTION: Final rule.

SUMMARY: This Agency for International Development Procurement Regulations (AIDPR) makes editorial and administrative changes to the AIDPR to make the requirement that reports under contracts for consulting services be labeled to show the cost of the report applicable only to contracts funded from Fiscal 1980 and 1982 appropriations, in conformance with current legislative requirements; to cite current office titles in place of obsolete titles; to conform AIDPR contract clause titles to current equivalent Federal Procurement Regulation (FPR) clause titles; to reference "Foreign Service Officer Class I" in place of an obsolete reference in contract clauses and cost principles concerning personnel compensation; to add a reports clause to AID's fixed price contract format, consistent with AID's standard technical services contract reporting requirements; to delete the section of AID's standard reports clause concerning the physical quality of contract reports; to add eight new countries to the list of countries for which the Department of Labor has granted a partial waiver of Defense Base Act insurance requirements; and to replace an obsolete attachment to AIDPR Appendix F with the current form.

EFFECTIVE DATE: March 12, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. J. M. Kelly, M/SER/CM/SD/POL, Agency for International Development,

Washington, D.C. 20523. Telephone (703) 235–9107.

SUPPLEMENTARY INFORMATION: This AIDPR Notice is a procurement regulation, and has been exempted from the requirements of Executive Order 12291 of February 17, 1981, pursuant to Section 8(b) of the order, by the Director, OMB, in a letter dated April 8, 1981, as amended December 2, 1981. The determination required by paragraph 4a of OFPP Policy Letter 80–5, and the certification required by the Regulatory Flexibility Act have been made and are included in the body of this AIDPR Notice.

PART 7–4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 7–4.8—Consulting Services, Studies, and Reports

1. Section 7–4.804–50 is amended by revising paragraph (b)(2) as follows:

§ 7–4.804–50 Identifying contracts—consultant services, studies, and reports.

* * * * *

(b) * * *

(1) * * *

(2) If the contract is for preparation of a report or study as defined in paragraph (b) of this section; *and* if it is funded by Fiscal Year 1980 or 1981 appropriations, then a special provision must be included in the contract schedule requiring the contractor to include the cost of the report or study on the front cover of the report or study.

Subpart 7–4.9—Unsolicited Proposals

§ 7–4.905 [Amended]

2. Section 7–4.905 is amended by removing the addresses "* * * SER/CM/SB, Room 601 PP or DS/RES, Room 813 RPC" as they appear in paragraph (a) of § 7–4.905; and in their place inserting "* * * PRE/SDB/SB, Room 633 PP or S&T/PO/RES, Room 214E RPC."

§ 7–4.908 [Amended]

3. Section 7–4.908 is amended by removing the addresses "* * * SDB/SB, Room 740 PP" and "* * * DS/RES, Room 813 RPC", and in their places inserting "* * * PRE/SDB/SB, Room 633 PP" and "* * * S&T/PO/RES, Room 214E RPC", respectively.

PART 7–7—CONTRACT CLAUSES

Subpart 7–7.50—Clauses for Cost Reimbursement Contracts

§ 7–7.5001–14 [Amended]

4. Section 7–7.5001–14 is amended by revising its title to read "Audit".

§ 7–7.5001–15 [Amended]

5. Section 7–7.5001–15 is amended by revising its title to read "Subcontractor cost or pricing data".

§ 7–7.5001–18 [Amended]

6. Section 7–7.5001–18 is amended by revising its title to read "Subcontracts".

§ 7–7.5001–21 [Amended]

7. Section 7–7.5001–21 is amended by revising its title to read "Utilization of labor surplus area concerns".

§ 7–7.5001–42 [Amended]

8. Section 7–7.5001–42 is amended by revising the date in the undesignated center heading to read "(Dec. 1981)", and by removing the phrase "* * * which exceeds the maximum daily or annual level for Foreign Service Class I (FSR–1) * * *", and in its place inserting "* * * which exceeds the maximum payable annual or daily rate for a Foreign Service Officer Class FS–1 * * *".

9. Section 7–7.5002–2 is revised as follows:

§ 7–7.5002–2 Leave and holidays.

Insert the clause set forth in AIDPR § 7–7.5502–6 (41 CFR 7–7.5502–6), with the following revisions:

(a) Delete the term "* * * on campus * * *" as it appears in paragraphs (a) and (b);

(b) Delete the term "* * * on campus * * *" as it appears in paragraph (c)(6), and in its place insert the term "* * * at the contractor's home office * * *"; and

(c) Add the following paragraph (e):

(e) *Military leave.* Military leave of not more than 15 calendar days in any calendar year may be granted in accordance with the Contractor's usual practice to each regular employee whose appointment is not limited to 1 year or less and who is a reservist of the United States Armed Forces, provided that such military leave has been approved in advance by the cognizant Mission Director or Assistant Administrator. A copy of any such approval shall be provided to the Contracting Officer.

Subpart 7–7.53—Contracts for Participant Training

§ 7–7.5301–9 [Amended]

10. Section 7–7.5301–9 is amended by revising the title to read "Audit".

§ 7–7.5301–20 [Amended]

11. Section 7–7.5301–20 is amended by revising the title to read "Utilization of labor surplus area concerns".

Subpart 7–7.54—Clauses for Fixed Price Contracts for Technical Services

12. Section 7–7.5401–8 is added to read as follows:

§ 7–7.5401–8 Reports.

Insert the clause set forth in AIDPR 7–7.5501–13 (41 CFR 7–7.5501–13), removing paragraph (a)(2).

§ 7–7.5402–4 [Amended]

13. Section 7–7.5402–4, Post privileges, is amended by removing the reference "* * * FPR * * *", in its place inserting "* * * AIDPR * * *".

Subpart 7–7.55—Clauses for Cost Reimbursement Contracts With Educational Institutions

§ 7–7.5501–5 [Amended]

14. Section 7–7.5501–5 is amended by revising the date in the undesignated center heading to read "(Dec 1981)" and removing the phrase "* * * Which exceeds the maximum level of the Foreign Service Class I (FSR–1) (or the equivalent daily rate) * * *" as it appears in paragraph (a)(1), and insert in its place "* * * which exceeds the maximum payable annual or daily rate for a Foreign Service Officer Class FS–1 * * *".

§ 7–7.5501–12 [Amended]

15. Section 7–7.5501–12 is amended by revising title to read "Audit".

16. Section 7–7.5502–4 is amended by revising the date in the undesignated center heading to read "(Feb. 1982)". and by removing paragraph (e).

17. Section 7–7.5501–17, Subcontracts and purchase orders, is amended by revising its title to read "Subcontracts".

§ 7–7.5502–4 [Amended]

18. Section 7–7.5502–4 is amended by revising the date in the undesignated center heading to read "(Dec. 1981)", and by removing the phrase "* * * exceed the FSR–1 level * * *" as it appears in paragraph (a)(3), and insert in its place "* * * exceed the maximum payable annual or daily rate for a Foreign Service Officer Class FS–1, as set forth in the payment schedule of the Uniform State/AID/USIA Regulations, as from time to time amended * * *".

PART 7–10—BONDS AND INSURANCE

Subpart 7–10.4—Insurance Under Fixed-Price Contracts

19. Section 7–10.402 is amended by revising paragraph (b)(2) which lists the countries for which Defense Base Act insurance waivers are in effect to read as follows:

§ 7–10.402 Workman's compensation insurance overseas.

* * * * *

(b) * * *

(2) * * *

1. Afghanistan
2. Bahamas
3. Bangladesh
4. Barbados
5. Benin
6. Bolivia
7. Botswana
8. Brazil
9. Burundi
10. Cameroon
11. Chad
12. Chile
13. Colombia
14. Costa Rica
15. Djibouti
16. Dominica
17. Dominican Republic
18. Ecuador
19. Egypt
20. El Salvador
21. Ethiopia
22. Fiji
23. Gambia
24. Ghana
25. Guatemala
26. Guinea
27. Guinea-Bissau
28. Guyana
29. Haiti
30. Honduras
31. Indonesia
32. Israel
33. Italy
34. Ivory Coast
35. Jamaica
36. Jordan
37. Kenya
38. Korea
39. Lebanon
40. Lesotho
41. Liberia
42. Madagascar
43. Malawi
44. Mali
45. Mauritania
46. Mauritius
47. Mexico
48. Morocco
49. Nepal
50. New Calendonia
51. Nicaragua
52. Niger
53. Nigeria
54. Oman
55. Panama
56. Papua New Guinea
57. Paraguay
58. Peru
59. Philippines
60. Portugal
61. Rwanda
62. St. Vincent
63. Senegal
64. Seychelles
65. Sierra Leone
66. Sinai Support Mission
67. Somalia
68. Sri Lanka
69. Sudan
70. Swaziland
71. Syria
72. Tanzania
73. Thailand
74. Togo
75. Tonga
76. Tunisia
77. Uganada
78. Upper Volta
79. Uruguay
80. Western Samoa
81. Yemen Arab Republic
82. Zaire
83. Zambia
84. Zimbabwe

PART 7-15—CONTRACT COST PRINCIPLES AND PROCEDURES

Subpart 7-15.2—Contracts With Commercial Organizations

§ 7-15.205-6 [Amended]

20. Section 7-15.205-6 is amended by removing the phrases "* * * which exceeds the maximum level of the Foreign Service Class I (FSR-1) (or the equivalent daily rate) * * *" and "* * * in excess of the FSR-1 rate * * *" as they appear in paragraph (b)(2), and in their place inserting "* * * which exceeds the maximum payable annual or daily rate for a Foreign Service Officer Class FS-1 * * *" and "* * * in excess of the maximum payable rate for a Foreign Service Officer Class FS-1 * * *", respectively.

Subpart 7-15.3—Contract With Educational Institutions

§ 7-15.303-51 [Amended]

21. Section 7-15.303-51 is amended by removing the phrase "* * * in excess of the maximum level of the Foreign Service Class I (FSR-1) (or the equivalent daily rate) * * *", and inserting in its place "* * * in excess of the maximum payable annual or daily rate for a Foreign Service Officer Class FS-1, as set forth in the Uniform State/AID/USIA Regulations, as from time to time amended * * *".

Subpart 7-15.6—Contracts With Nonprofit Organizations

§ 7-15.603-2.50 [Amended]

22. Section 7-15.603-2.50 is amended by removing the phrases "* * * which exceed the maximum level of Foreign Service Class I (FSR-1) * * *" and "* * * which exceeds the FSR-1 rate (daily or annual) * * *", and inserting in their places "* * * which exceed the maximum payable annual or daily rate for a Foreign Service Officer Class FS-1, as set forth in the Uniform State/AID/USIA Regulations, as from time to time amended * * *" and "* * * which exceeds the FS-1 rate * * *", respectively.

Appendices

Appendix F—Direct AID Contracts With U.S. Citizens or U.S. Residents for Personal Services Abroad

23. Attachment A, AID Form 1420-36, is amended by removing the Cover Page dated "(12/80)". In its place, insert the Cover Page dated "(10-81)".

Appendix I—Approval and Reporting Procedures for Contractor Proposed Salaries Including Those That Exceed The Statutory Limitation on Basic Pay of an FSR-1 [Amended]

24. Appendix I is retitled as follows:

Appendix I—Approval and Reporting Procedures for Contractor Salaries

25. Appendix I is amended by removing all references to "* * * FSR-1 * * *" appearing in the Appendix, and in their place inserting "* * * FS-1 * * *".

Determination

As required by paragraph 4a of OFPP Policy Letter 80-5, I hereby determine that this AIDPR Notice has been reviewed against the policies set forth in paragraphs (1) through (8) of Section 2 of the Office of Federal Procurement Policy Act (Pub. L. 93-400 as amended by Pub. L. 96-83, hereinafter referred to as the Act), and policy directives issued by OFPP under Section 6(h) of the Act. Based on this review, I hereby determine that this AIDPR Notice is not inconsistent with the policies set forth in paragraphs (1) through (8) of Section 2 of the Act, and policy directives issued by OFPP under Section 6(h) of the Act.

Certification

Pursuant to the Regulatory Flexibility Act, I hereby certify as head of the Agency, under AIDPR 7-1.204, that this regulation will not have a significant economic impact on a substantial number of small entities, including small businesses, small organizational units and small governmental jurisdictions.

Authority: This AIDPR Notice is issued under 41 CFR 7-1.104.4.

John F. Owens,

Deputy Assistant to the Administrator for Management.

March 12, 1982.

BILLING CODE 6116-01-M

AGENCY FOR INTERNATIONAL DEVELOPMENT
WASHINGTON, D.C. 20523

CONTRACT WITH A U.S. CITIZEN OR U.S. RESIDENT FOR PERSONAL SERVICES ABROAD

Negotiated Pursuant to the Foreign Assistance Act of 1961, as Amended, and Executive Order 11223	Contract Number
Country of Performance	Amount Obligated $
	Total Estimated Contract Cost $
Contract For	Project Number
Contracting Office *(name and address)*	Contractor *(name, street, city, state, zip code)*
Administered By *(if other than Contracting Office)*	Effective Date / Estimated Completion Date
Cognizant Scientific/Technical Office *(name, office symbol, address)*	Accounting and Appropriation Data PIO/T Number Appropriation Number
This is a Consulting Services Contract *(AIDPR 7-4.804-50)* ☐ YES ☐ NO	Budget Plan Code
This is a Contract for Studies and/or Reports *(AIDPR 7-4.804-50)* ☐ YES ☐ NO	Social Security Number
Payment Will Be Made By	Type of Advance *("X" appropriate box)* ☐ INITIAL ☐ NONE AUTHORIZED

The United States of America, hereinafter called the Government, represented by the Contracting Officer executing this contract, and the Contractor agree that the Contractor shall perform all the services set forth in the attached Schedule, for the consideration stated therein. The rights and obligations of the parties to this contract shall be subject to and governed by the Schedule and the General Provisions. To the extent of any inconsistency between the Schedule or the General Provisions and any specifications or other provisions which are made a part of this contract, by reference or otherwise, the Schedule and the General Provisions shall control. To the extent of any inconsistency between the Schedule and the General Provisions, the Schedule shall control.

(Fill in appropriate spaces)

This Contract consists of this Cover Page, the Schedule of _____ pages, including the Table of Contents, the General Provisions (form AID 1420-37, dated _____), the Additional General Provisions (form AID 1420-38, dated _____), and the Alterations in Contract Attachments, dated _____.

	UNITED STATES OF AMERICA AGENCY FOR INTERNATIONAL DEVELOPMENT
Signature of Contractor	By *(signature of Contracting Officer)*
Typed or Printed Name	Typed or Printed Name
Date	Date

AID 1420-36 (10-81)

BILLING CODE 6116-01-C

Privacy Act Statement

This information is provided pursuant to Pub. L. 93–579 (Privacy Act of 1974), December 31, 1974, for individuals who complete this form.

The Executive Office of the President, Office of Management and Budget has required that all departments and agencies comply with the reporting requirements of Section 6041 of the Internal Revenue Code. Section 6041 states that all departments and agencies making payments totalling $600.00 or more in one year to a recipient for services provided must be reported to the Internal Revenue Service (IRS). The SSN and all financial numbers will be disclosed to Agency for International Development (AID) payroll office personnel and personnel in the Department of the Treasury, Division of Disbursements. AID will use this SSN to complete Form 1099 of the Code on non-employee compensation and other forms of income. Disclosure by the contractor of the SSN is necessary to obtain the services, benefits or processes provided by this contract. Disclosure of the SSN may be made outside AID (a) pursuant to any applicable routine use listed in AID's Notice for implementing the Privacy Act as published in the Federal Register, or (b) when disclosure by virtue of a contract being a public document after signatures is authorized under the Freedom of Information Act.

[FR Doc. 82–8298–Filed 3–26–82; 8:45 am]

BILLING CODE 6116–01–M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101–39

[FPMR Amdt. G–56]

Interagency Motor Vehicle Pools Services

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: The use of GSA Form 2649, Motor Pool Charge Plate, for obtaining dispatch motor vehicles for trip or daily assignment, is discontinued. Therefore, all references to this form are deleted from the regulations.

EFFECTIVE DATE: March 29, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. William Marshall, Deputy Director, Interagency Motor Pools Division (202–275–6118).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

PART 101–39—INTERAGENCY MOTOR VEHICLE POOLS

1. The table of contents for Part 101–39 is amended to reserve the following entries:

* * * * *

Sec.

101–39.503–5 [Reserved]
101–39.503–6 [Reserved]
101–39.503–7 [Reserved]

2. Section 101–39.503–2 is revised to read as follows:

§ 101–39.503–2 Obtaining dispatch motor vehicles for trip or daily assignment.

Dispatch vehicles are available as a source of short term transportation for personnel of any Federal agency, bureau, or activity that is located within the service area of a particular interagency motor pool system or those employees in a travel status needing a vehicle at their destination. Any participating Federal agency, bureau, or activity may obtain service from a motor pool system by any of the following means:

(a) Any form of written authorization an agency may elect to furnish the motor pool which specifies that travel by a Government-owned vehicle is authorized and provides a valid Billed Office Address Code (BOAC).

(b) A travel order authorizing travel by a Government-owned or -controlled motor vehicle. When a travel order is used to obtain a dispatch vehicle, it shall contain the complete billing address and the GSA-assigned billed office address code (BOAC). Agencies requiring a BOAC may obtain one by writing to the General Services Administration (TM), Washington, DC 20406. Dispatch vehicles shall be returned to the motor pool system where they were obtained.

§§ 101–39.503–5, 101–39.503–6 and 101–39.503–7 [Removed and reserved]

3. Sections 101–39.503–5, 101–39.503–6, and 101–39.503–7 are removed and reserved.

(Sec. 205(C), 63 Stat. 390 (40 U.S.C. 486(c)))

Dated: March 5, 1982.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 82–8310 Filed 3–26–82; 8:45 am]

BILLING CODE 6820–AM–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Parts 4, 5, 6, 8, 9, 10, 11, 12, 55, 80, 81, 150, 310, 311, 322

Changes in Assignments

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: This regulation makes changes in Titles of agency officials in a number of FEMA regulations which assign responsibilities. It reflects changes in the FEMA organization.

DATE: This rule is effective on March 29, 1982.

FOR FURTHER INFORMATION CONTACT: William L. Harding, Office of General Counsel, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0377.

SUPPLEMENTARY INFORMATION: A recent reorganization of FEMA has resulted in a number of changes in assignment of responsibilities. Many of these assignments are contained in Part 2 which has now been revised, but there are assignments in a number of other regulations. These regulations need to be updated. This document is designed to do that. As it is an internal management matter and is administrative and procedural, it is not subject to Administrative Procedure Act requirements or various other requirements regarding regulations, such as environmental review or regulatory analysis. Furthermore, as it is not substantive, it can be made effective immediately.

Accordingly, Chapter I of Title 44 is amended as follows.

PART 4—SECURITY [REMOVED]

PART 8—EQUAL EMPLOYMENT OPPORTUNITY [REMOVED]

1. The Table of Contents is modified by removing Part 4 "Security" and Part 8 "Equal Employment Opportunity" and by changing the heading of Subchapter B

from Federal Insurance Administration to Insurance and Hazard Mitigation.

SUBCHAPTER A—GENERAL

PART 5—PRODUCTION OR DISCLOSURE OF INFORMATION

2. Section 5.26, introductory paragraph (a) is revised to read:

§ 5.26 Rules for public inspection and copying.

(a) Locations: Materials are available for public inspection and copying at the locations set out in §§ 2.30–2.32 of this subchapter

* * * * *

3. Section 5.26(c) is revised to read:

§ 5.26 Rules for public inspection and copying.

* * * * *

(c) FEMA will furnish reasonable copying services at fees specified in Subpart C. Such reproduction services as are required will be arranged by the Office of Administrative Support in the headquarters or by regional offices as appropriate.

* * * * *

4. Section 5.54(a) is revised to read:

§ 5.54 Denial of request of records.

(a) Each of the following officials within FEMA, any official designated to act for the official, or any official redelegated authority by such officials, shall have the authority to make initial denials of request for disclosure of records in his or her custody, and shall, in accordance with 5 U.S.C. 552(a)(6)(C), be the responsible official for denial of records made under this part:

(1) At Headquarters:

(i) The Deputy Director

(ii) Associate Directors

(iii) Administrators

(iv) Executive Administrator

(v) Director, Program Analysis and Evaluation

(vi) General Counsel

(vii) Inspector General

(2) At Regions: Regional Directors.

(3) At the National Emergency Training Center: Associate Director, Training and Education.

* * * * *

5. Section 5.82 is revised to read:

§ 5.82 Authentication and attestation of copies.

The Director, Deputy Director, Associate Directors, Administrators, the General Counsel, the Docket Clerk, Inspector General, Regional Directors, and their designees, and other heads of offices having possession of records are authorized in the name of the Director to authenticate and attest for copies or reproductions of records. Appropriate fees will be charged for such copies or reproductions.

Appendix A—Locations at Which Record Materials Are Available for Public Inspection and Copying [Removed]

6. Appendix A to Part 5 is removed.

PART 6—IMPLEMENTATION OF THE PRIVACY ACT OF 1974

§ 6.3 [Amended]

7. Section 6.3(b) is amended by removing the reference to the "Director, Finance and Administration" and inserting "Associate Director, Resource Management and Administration" in lieu thereof.

8. Section 6.33(b) is amended to read:

§ 6.33 Denials of access.

* * * * *

(b) Upon receipt of a request for access to a record which the system manager believes is contained within an exempt system of records, he or she shall forward the request to the appropriate official listed below or to his or her delegate through normal supervisory channels.

(1) At Headquarters:

(i) The Deputy Director

(ii) Associate Directors

(iii) Administrators

(iv) Executive Administrator

(v) Director, Program Analysis and Evaluation

(vi) General Counsel

(vii) Inspector General

(2) At Regions: Regional Directors.

(3) At the National Emergency Training Center: Associate Director, Training and Education.

The system manager shall append to the request an explanation of the determination that the requested record is contained within an exempt system of records and a recommendation that the request be denied or granted.

PART 9—FLOODPLAIN MANAGEMENT AND PROTECTION OF WETLANDS

§ 9.4 [Amended]

9. Section 9.4 is amended by adding in proper alphabetic sequence the following definition:

"SLPS means the State and Local Programs and Support Directorate."

§ 9.5 [Amended]

10. Section 9.5(f)(1) is amended by adding after "FIA" each time such appears the words "or SLPS," as appropriate.

11. Section 9.5(f)(2) is amended by adding after "Administrator" the words "or the Associate Director, SLPS, as appropriate."

§ 9.7 [Amended]

12. Section 9.7(c) is amended by removing "FIA" wherever such appears and substituting "FEMA" in lieu thereof.

§ 9.13 [Amended]

13. Section 9.13(a) is modified by removing "Associate Director for Disaster Response and Recovery" and substituting "Associate Director for State and Local Programs and Support" in lieu thereof.

§ 9.19 [Removed]

14. Section 9.19 is removed.

PART 10—ENVIRONMENTAL CONSIDERATIONS

15. Section 10.3 is amended by adding paragraph (c) as follows:

§ 10.3 Definitions.

* * * * *

(c) Environmental Officer means the Chief, Mitigation Assistance Division, Office of Disaster Assistance Programs, State and Local Programs and Support Directorate.

§§ 10.5, 10.6, 10.7, 10.8, 10.9, 10.10, 10.11 and 10.13 [Amended]

16. The following sections are amended by removing "Associate Director for Hazard Mitigation (ADHM)" or "ADHM" and inserting "Environmental Officer" in lieu thereof: Sections 10.5(a)(1), 10.5(b), 10.6, 10.7(b), 10.7(b)(1), 10.7(b)(2), 10.8(b)(1), 10.8(d)(3)(i), 10.9(e), 10.9(f), 10.9(g), 10.10(d), 10.11, 10.13.

PART 11—CLAIMS

17. Section 11.30(b) is revised to read as follows:

§ 11.30 Scope of regulations.

* * * * *

(b) *Definitions.* For the purposes of this subpart "office" means one of the following:

(1) Training and Education Directorate

(2) Federal Insurance Administration

(3) National Preparedness Programs Directorate

(4) State and Local Programs and Support Directorate

(5) United States Fire Administration

(6) Resource Management and Administration Directorate

(7) Offices of the Regional Directors.

PART 12—ADVISORY COMMITTEES

§ 12.5 [Amended]

18. Section 12.5(a) is amended by removing "Chief, Management Planning Branch, Administrative Services Division, Office of Finance and

Administration" and substituting "Management Planning Officer, Office of Administrative Support, Resource Management and Administration Directorate."

§ 12.17 [Amended]

19. Section 12.17(a) is amended by removing "1725 I Street, NW." and "20472."

§ 12.19 [Amended]

20. Section 12.19(a) is amended by removing "Director, Finance and Administration" and inserting "Associate Director, Resource Management and Administration" in lieu thereof.

SUBCHAPTER B—INSURANCE AND HAZARD MITIGATION

21. The subchapter heading is changed from "Federal Insurance Administration" to "Insurance and Hazard Mitigation."

PART 55—STATEWIDE "FAIR" PLANS

§ 55.1 [Amended]

22. Section 55.1(b) is amended by removing the citation "(34 FR 2680, Feb. 27, 1969)."

PART 80—DESCRIPTION OF PROGRAM AND OFFER TO AGENTS

§ 80.1 [Amended]

23. Section 80.1(a)(9) is amended by removing "1725 I Street, NW." and "20472."

PART 81—PURCHASE OF INSURANCE AND ADJUSTMENT OF CLAIMS

§ 81.8 [Amended]

24. Section 81.8(b) is amended by removing "1725 I Street, NW." and "20472."

SUBCHAPTER C—FIRE PREVENTION AND CONTROL

PART 150—PUBLIC SAFETY AWARDS TO PUBLIC SAFETY OFFICERS

§ 150.3 [Amended]

25. Section 150.3(a)(2) is amended by removing "Associate Director, Plans and Preparedness" and inserting "Associate Director, State and Local Programs and Support" in lieu thereof.

§ 150.9 [Amended]

26. Section 150.9 is amended by removing "Department of Commerce," and substituting "Federal Emergency Management Agency" in lieu thereof.

SUBCHAPTER E—PREPAREDNESS

PART 310—ORGANIZATION, ACTIVITIES, AND GENERAL STATEMENTS OF POLICY

Subpart A—[Reserved]

§ 310.6 [Removed]

27. Section 310.6 is removed. Subpart A is reserved.

PART 311—FEDERAL EMPLOYEE EMERGENCY IDENTIFICATION CARD

§ 311.6 [Amended]

28. Section 311.6(c) is amended by removing "Office of Finance and Administration" and inserting "Resource Management and Administration Directorate" in lieu thereof.

29. Section 311.6(d) is amended by removing "Office of Plans and Preparedness" and inserting "National Preparedness Programs Directorate" in lieu thereof.

PART 322—DEFENSE PRODUCTION; PRIORITIES AND ALLOCATIONS AUTHORITY (DMO-3)

§ 322.2 [Amended]

30. Section 322.2(d) is amended by removing "Associate Director, Plans and Preparedness" and inserting "Associate Director, National Preparedness Programs" in lieu thereof.

Dated: March 18, 1982.

L. O. Giuffrida,

Director.

[FR Doc. 82-8295 Filed 3-26-82; 8:45 am]

BILLING CODE 6718-01-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the City of Boynton Beach, Florida; Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

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

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

EFFECTIVE DATE: March 29, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

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

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

Map Number H & I 120196, Panel 0005 B published on October 6, 1980 in 45 FR 66058 indicates that Chanteclair Villas, Condominium Number Three, also known as Tract D of Charter World Subdivision, Section One, Boynton Beach, Florida, as recorded in Plat Book 31, Page 21, in the Public Records of Palm Beach County, Florida is within the Special Flood Hazard Area.

Map Number H & I 120196, Panel 0005 B is hereby corrected to reflect that the existing structures on the above-mentioned property are not within the Special Flood Hazard Area as identified on January 3, 1979, and are located in Zone B. However, the property would still be inundated by a flood having a one-percent chance of occurrence in any given year.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not

have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

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

Issued: March 3, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc 82-8300 Filed 3-26-82; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for Township of Wayne, New Jersey; Under National Flood Insurace Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the Township of Wayne, New Jersey. It has been determined by the Associate Director, State and Local Programs and Support after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Township of Wayne, New Jersey, that certain properties are not within the Special Flood Hazard Area.

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

EFFECTIVE DATE: March 29, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

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

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

Map Number H & I 345327 A, Panels 08 and 13 published on October 6, 1980 in 45 FR 66031 indicates that the property at 88 Hinchmans Avenue, also known as Lot 5A in Block 597 on Tax Assessment Map for the Township of Wayne, New Jersey, as recorded in Deed Book I 102, Pages 364 through 366, and the property at 524 Fairfield Road, also known as Block 135, Lot No. 3 on the Tax Assessment Map, recorded in Deed Book C 101, Pages 342 and 343, both in the Passaic County Registers Office are within the Special Flood Hazard Area.

Map Number H & I 345327 A, Panels 08 and 13 are hereby corrected to reflect that the existing structures located on the above-mentioned properties are not within the Special Flood Hazard Area as indentified on November 19, 1976. The structures are in Zone C. However, portions of these properties would still be partially inundated by the base flood.

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

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

Issued: March 3, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc 82-8301 Filed 3-26-82; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the City of Abilene, Texas; Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

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

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

EFFECTIVE DATE: March 29, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

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

Maryland 20034, Telephone: (800) 638-6620.

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

Map No. H & I 485450 Panel 0035B, published on October 6, 1980, in 45 FR 66097, indicates that Lots 3 and 6 through 12, Block A; and Lot 1, Block B, Section 2, Hunters Creek Addition, Abilene, Texas, recorded as File Number 10823 in Volume 15, Page 405, in the Office of the Clerk, Taylor County, Texas are within the Special Flood Hazard Area.

Map No. H & I 485450 Panel 0035B is hereby corrected to reflect that the existing structures located on the above mentioned lots are not within the Special Flood Hazard Area identified on August 23, 1979. These structures are in Zone C.

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

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

Issued: March 3, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-8299 Filed 3-26-82; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 73

[Docket No. 21313; RM-2646; RM-2717; RM-3038; RM-3039; RM-3040; FCC 82-111]

Radio Broadcast Services; AM Stereophonic Broadcasting

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission has amended its rules, in response to petitions for rule making, to establish technical standards, equipment authorization requirements, and administrative procedures under which AM broadcast stations may transmit stereophonic programs. These rule amendments are necessary because AM stations, under present regulations, may transmit monophonic programs only, whereas FM stations may transmit stereophonic programs. The amendments will enable the public, particularly that which does not have local FM broadcast service, to receive stereophonic programs from nearby AM stations. Under the new rules, AM broadcast licensees are not limited to a single system but may employ any method of stereophonic transmission consistent with the requirements contained in the rules.

DATES: Effective April 26, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: James R. Green, Broadcast Bureau, (202) 632-6302.

SUPPLEMENTARY INFORMATION: In the matter of AM stereophonic broadcasting, Docket No. 21313, RM-2646, RM-2717, RM-3038, RM-3039, RM-3040. Report and order. (Proceeding Terminated).

Adopted: March 4, 1982.

Released: March 18, 1982.

Background

1. On June 22, 1977, the Commission adopted a *Notice of Inquiry* (42 FR 34910) ("*Inquiry*") in the response to two petitions for rule making concerning AM stereophonic broadcasting. One of the petitions proposed a specific AM stereo transmission system. The *Inquiry* contained a number of general and specific questions to determine the degree of interest in a stereophonic AM broadcast service by the public, broadcast licensees, and consumer electronics manufacturers. The Commission sought information on what technical performance standards were desirable or necessary to provide a viable stereo service by AM stations and to establish criteria for system standards to include in a Notice of Proposed Rule Making should there be sufficient interest in AM stereo. Comments were also sought on the many technical matters relating to transmission system modifications, monitoring and measurement procedures, and other technical issues.

2. Subsequent to the release of the *Inquiry*, four additional petitions were received from companies that had developed systems for transmitting stereophonic programming by AM broadcast stations. Each of the five systems submitted for consideration contained sufficiently different characteristics of the transmitted signal that each required a different receiver circuit for statisfactory reception. However, the five systems were all designed to be adaptable to existing broadcast transmitters.

3. In December 1977, the Commission received a technical report from the National AM Stereophonic Radio Committee (NAMSRC).[1] The report contained general information concerning AM broadcasting, AM receiver characteristics, and comparative measurement data for three of the five AM stereo systems known to the Commission.[2]

4. The Commission received comments in response to the *Inquiry* showing considerable interest in AM stereo broadcasting by station licensees, the consumer electronics industry, and manufacturers of broadcast equipment. Only a limited response was received from the public. Based on the favorable response to the *Inquiry*, the Commission proceeded to issue a *Notice of Proposed Rule Making* (43 FR 48659) *("Notice")* on September 14, 1978, with the initial objective of determining which AM stereophonic system would best serve the listening public. At that time, we did not have firm guidelines or a consensus on the essential performance standards against which each of the five proposed systems could be judged. Additionally, with the information available at that

[1] NAMSRC was sponsored by the Institute of Electrical and Electronics Engineers, Electronics Industries Association, National Association of Broadcasters, and the National Radio Broadcasters Association. The Committee was formed to study AM stereophonic radio broadcast systems, conduct a series of comparative studies and tests and compile information for submission to the FCC. The activities of the Committee were open to all who wished to participate and comparative tests were to be performed on any system submitted for evaluation.

[2] The three systems tested by NAMSRC were those developed by Belar Electronics Corp., a manufacturer of broadcast monitoring equipment; the Magnavox Corporation, a manufacturer of consumer home electronics equipment; and the Motorola Corporation, a principal manufacturer of automobile receivers and electronics components. The Harris Corporation, a broadcast equipment manufacturer and developer of the fifth stereo system submitted to the Commission, participated in NAMSRC but at that time did not have prototype transmitting equipment sufficiently developed that their system could be included in the testing program. Kahn Communications, Inc., one of the initial developers of an AM stereo system, did not elect to participate in the NAMSRC. Subsequent to the filing of the initial Kahn petition, the Hazeltine Corporation joined with Kahn in developing and promoting the Kahn system. We hereafter refer to this system as the Kahn/Hazeltine system even though each firm has separately submitted comments.

time, none of the systems had been shown to be significantly superior to the others.

5. The *Notice* pointed out certain concerns the Commission had in the operation and performance of the proposed systems, indicating that additional information would be required before a full and systematic comparative evaluation of the five systems could be made. On-air testing by AM stations was encouraged so that actual experience in implementing and operating the various systems could be used to help in its evaluation.[3]

6. As explained in the *Notice* that was issued, several objectives were considered important in the development of the AM stereophonic broadcast service:

a. Compatibility with existing AM broadcast receivers,

b. Compliance with the existing AM broadcast transmission system bandwidth limitations in order to minimize mutual interference,

c. Compatibility with existing AM transmitters and antennas,

d. No loss in service area or loudness for either monophonic or stereo reception,

e. Simplicity of design and reasonable cost for receiving equipment,

f. Satisfactory stereo service for nighttime skywave reception, and

g. Simple administrative procedures for implementing AM stereo upon approval.

7. Stereophonic broadcasting requires the transmission of two separate program information signals from the studio to the home receiver. These two signals are conventionally called the Left (L) and Right (R) signals, corresponding to the general microphone placement at the program source. To obtain compatible reception of both the program left and right signals on a non-stereo (monophonic) receiver, the two signals are added together for transmission. This main program signal is called the sum or (L+R) channel. A second channel, frequently called a stereophonic subchannel, is necessary to carry the difference or (L−R) information. The (L−R) subchannel signal is used by the stereophonic receiver to divide the main sum (L+R) signal back into the original left and right programming material. Ideally, the conventional monaural receiver does not respond to, nor is affected by, the addition of the stereophonic (L−R) subchannel to the station's transmissions. From the first, it was obvious that some of the design objectives mentioned in paragraph 6 above were interdependent. The occupied bandwidth, for example, depends on the frequency response range of the stereophonic signal. Uniform loudness of the AM signal as received on a conventional monophonic receiver may not permit full stereo separation under certain stereo program conditions. In addition, monophonic compatibility compromises stereo separation.

8. In the *Notice* the Commission listed the proposed operating parameters for each of the five systems under consideration. We anticipated that broadcasters, receiver manufacturers, and others would submit sufficient comments and suggestions which, together with additional test data submitted by the five proponents, would enable us to make a selection of the superior system. We were particularly interested in obtaining meaningful measurement data for those design objectives which should be given the most emphasis in making a final system selection.

9. Upon review of the responses to the *Notice*, we were unable to conclusively select a national AM stereophonic transmission system based on the record developed at that time. Many substantial comments, exhibits, test data, and audio recordings had been submitted explaining and demonstrating various aspects of the stereo systems under consideration. Each proponent emphasized those characteristics of its system which it believed deserved consideration. Kahn/Hazeltine emphasized that the choice of its system would result in the immediate implementation of AM stereo in response to broadcasters' interest because of its long operating experience, plus the ability to receive stereo with two regular monaural receivers. Motorola emphasized the low distortion in the reception of its system's signal on conventional AM receivers. The Magnavox and Belar systems used the simplest technology for transmitting and receiving and, in addition, the Magnavox stereo pilot signal could be used for data or control transmissions. Harris was concerned with the occupied bandwidth of the transmitted signal while transmitting stereophonic programming by stations using audio processing.

10. Broadcasters and the consumer electronics industry urged the Commission to act quickly in selecting a system. Many broadcast licensees were primarily concerned that the selected system not cause a loss in monophonic coverage, whereas receiver manufacturers wanted a system that provided ease of tuning and rapid and reliable automatic mode switching which is particularly important in automobile radio receivers.

11. While the initial objective of this proceeding was to select and set the performance standards for a single national AM stereo system, the Broadcast Bureau subsequently questioned this goal. As an alternative, they proposed setting only certain minimum performance standards for AM stereo transmissions. Under this approach, broadcasters would be allowed to use any stereo technology that was available, even though the system used could be incompatible with some receivers in the reception area. This approach was termed the "marketplace option." The Broadcast Bureau argued that the market could determine the most satisfactory system or systems without the need for Commission intervention. A further stated advantage of this approach was that if a vastly superior stereo system were developed in the future, its use could be implemented without regulatory delay.

12. Some Commission staff contended that the Commission should proceed to select a single AM stereo system based on the information then available, even though this information was not as complete as desired. Those urging the selection of a single system believed that the "marketplace" approach might result in a delay in the implementation of AM stereo because broadcasters and receiver manufacturers would be reluctant to make a substantial investment in a technology that might not ultimately be successful. It was further urged that the public would have no direct effect on the selection process but that either the broadcaster with the first system in operation, or the receiver manufacturer who first marketed an AM stereo receiver might unduly influence the selection of the system that would ultimately prevail.

13. On April 9, 1980, the Commission met to consider these two approaches. After a lengthy discussion, the Commission, *en banc*, decided that, based upon the record before it, the selection of a single system would better serve the public interest. Based upon the

[3] Even while the Commission was deliberating the subject of AM stereo, three of the five systems were modified from their original design either to improve the transmission performance in a particular way or to improve the receiver operation as requested by receiver manufacturers. The modulation index of the Belar System was adjusted to lessen the occupied bandwidth under high modulation single channel conditions. Kahn/Hazeltine and Belar added a pilot signal to facilitate rapid receiver monophonic to stereophonic mode switching. Harris made a substantial change in its system by incorporating a variable frequency companding control pilot to improve the stereo signal to noise ratio for improved stereo coverage area.

staff analysis available at that time, the Magnavox system appeared to be the most satisfactory. In making this determination, the Commission relied heavily upon an AM Stereo System Evaluation Table prepared by its staff in which the performance of the five systems were numerically evaluated and compared in eleven categories. At the conclusion of the meeting, the staff was directed to prepare a Report and Order to implement rules for a single national AM stereophonic broadcast system.

14. Immediately following its initial instructions to the staff, the Commission received many comments from broadcast licensees objecting to its initial preference of the Magnavox system. These objections were primarily concerned with possible loss in loudness for monophonic reception when transmitting in stereo and also the possiblity that there would be "popping sounds" produced in a stereo receiver during high peak modulation conditions. Another commonly expressed concern was that the Magnavox system could possibly require a reduction in high frequency audio fidelity response for both monophonic and stereophonic program reception.

15. In preparing a Report and Order, an attempt was made to give a more rigorous and analytical basis to the Evaluation Table by scoring the categories in a strictly quantitative way. Quantitative scores based upon analysis of the available data were to be used, rather than rankings based upon qualitative judgments. Scoring ranges were established and the scoring methods to be used were documented. It was believed that this approach would yield a unique and unchallenged choice of an AM stereo system.

16. In attempting to complete the Table, however, the staff found that some of the judgment criteria used in the initial version could not be adequately quantified (*e.g.*, simplicity of receiver design). In some other categories, sufficient data were not available to score the entries in a meaningful way. In addition, the testing methods employed and the modes of data presentation varied among proponents making direct comparisons across systems difficult or impossible. Additional data were needed before the choice of a single system could be attempted. Work on the Report and Order was discontinued and a *Memorandum Opinion and Order and Further Notice of Proposed Rule Making* (45 FR 59350) ("*Further Notice*") was prepared. This was issued on September 11, 1980. It contained the revised, but incomplete, Evaluation Table and an explanation of the methods chosen for scoring the categories. Data which the staff believed were needed to complete the scoring of the entries was requested along with comments concerning the specific categories and scoring methods contained in the Evaluation Table. Comments were also requested concerning the appropriateness of using the Evaluation Table as a means of selecting a system and the possible use of a random selection process should the Revised Table yield a tie.

17. The *Further Notice* also requested comments on whether it was necessary for the Commission to select a single national AM stereophonic system from the five under consideration or whether the public would be better served by permitting all systems to be used. Under this option, the Commission would set certain minimum operating standards. Each AM licensee could not only elect to convert to stereophonic operation, but also to choose the system it wished to use. Comments were requested on the feasibility of the market to produce multi-system receivers at a reasonable cost (in comparison to a single-system receiver), preferably with automatic decoder switching for the station being received.

Responses to the Further Notice

18. Twenty-three formal comments and seventeen reply comments were filed in response to the *Further Notice* by thirty-three parties. (Belar, a proponent of one of the original AM stereo systems under consideration did not respond to the *Further Notice*.) A list of those filing comments is contained in Appendix A. The comments received were primarily in reply to the questions contained in the *Further Notice* and no new matters or issues of significance were raised. There were, however, criticisms of the manner and procedures by which measurements were made and analyzed by several of the stereo system proponents. In addition, a large number of informal comments were received, principally from broadcast licensees, expressing their concern that the selected AM stereo system must not require any reduction in modulation loudness, high frequency response, or coverage area.[4]

Marketplace or Lottery Options

19. Many of the comments in response to the *Further Notice* addressed the possibility of permitting the marketplace to govern the selection of an AM stereo system. Kahn/Hazeltine urged the Commission to take this approach arguing that the public can make a much better choice in many cases than a regulatory agency having only limited information on different technologies. Using home video recorders as an example, Hazeltine stated that many different and incompatible technologies are introduced into the market but that only the more satisfactory products survive. In the first stages of implementation of a new type of product, it stated, the public will heavily rely on consumer product information in making a selection, and later purchases will be made on this marketplace experience. Similarly, Hazeltine believes that the Commission has a higher probability of being incorrect than the marketplace and that, if more than one AM stereo system survived, manufacturers of consumer products would readily meet the demand with receivers capable of decoding more than one stereo system (*cf.*, Hazeltine comments, February 9, 1981).

20. In addition, the comments of the National Broadcasting Company (NBC) thought the most appropriate way to proceed was to allow the market to function in selecting an AM stereo system. NBC argued that, because the Commission has been attempting to select a system, "the advent of AM stereo has now been delayed for years" and that one or more "losers" in the selection process would seek legal redress further delaying AM stereo for possibly more years.

21. The American Broadcasting Company (ABC), after severely criticizing the Commission's evaluation table and expressing a preference for the Kahn-Hazeltine system, stated in its reply comments that "the marketplace is clearly preferable to continued, interminable delays. . . ."

22. With these and a few other exceptions, however, those responding to the *Further Notice* preferred that the Commission select a single AM stereo system. The General Electric Corporation was concerned that the Commission did not explain how it

[4] Comments were also filed by Altran Electronics, Inc. and the Utilities Telecommunications Council indirectly addressing the system selection process proposed in the *Further Notice*. They stated that they are interested in using AM broadcast stations to transmit telemetry signals for electric power utility load management purposes. These two respondents urged us to consider this new use of AM broadcast stations in selecting an AM stereophonic broadcast system. Altran has also submitted a request that the Commission modify the AM broadcast rules to permit the use of a broadcast telemetry system it has developed. An initial Commission analysis of Altran's telemetry system indicates that it may not be compatible with several of the AM stereo systems being considered in this proceeding. This matter is discussed in further detail in Appendix B.

believed the marketplace would select the "best" system in commenting:

If the Commission has in mind the listening public, it is our opinion that this body will have little opportunity to decide because implementation of the transmission portion of the system is necessary precedent to reception. Therefore, pressures exerted by proponents in this proceeding, networks, broadcasting associations and others will greatly influence the ultimate selection. The reasons for a particular selection may have little bearing on the technical or economic properties upon which a consumer may make a judgment.

[General Electric Reply Comments, March 23, 1981; page 3.]

23. It was typically argued that the general acceptance of AM stereo by the public requires a single system that is available at a reasonable cost and is simple to operate. Some commenters feared that under the "marketplace" approach, listeners would not necessarily know which system would be used by each station in a particular area. As a consequence, receivers must either automatically determine the stereo transmission method or contain a manual switch to permit the listener to change between stereo systems. A receiver requiring manual switching would be unacceptable to the consumer, it was argued.

24. In the *Further Notice* the Commission indicated its interest in the possibility of a "universal" receiver being developed that could decode all of the proposed stereo transmission systems. If such a receiver could be developed, the possibility of consumer investment in receiving equipment being obsoleted due to marketplace competition would be minimized. We recognized that a receiver capable of receiving more than one stereo system would, of necessity, be more complex than one capable of receiving only one stereo system. Not only would such a receiver need the capability of correctly decoding all of the systems in general use but it would also have to be able to reliably identify each in order to perform the correct switching function.

25. Although many commenters thought systems could technically be designed to decode more than one system, they generally felt that automatic switching would prove difficult or impossible. Matsushita stated that the additional cost for adding one system to present receivers would range from $10 to $20 depending on the system. They thought a doubling of that amount would be necessary for a multi-system receiver. [Matsushita comments, January 5, 1981, pp. 4, 9].

26. Although National Semiconductor did not believe it feasible to design a single chip for all 5 systems, they did think it was "reasonable to build a chip flexible enough to decode the signal paths of Magnavox, Motorola and Belar." [National Semiconductor comments, January 12, 1981.]

27. In response to the Commission query regarding a universal decoder, Sony Corporation submitted the following comment:

Sony feels that a multi-system arrangement is impractical. The listeners cannot be expected to switch manually from one decoder to another to match the various broadcasting standards of different stations. A method of making an automatic switch would have to be devised. Automatic switching utilizing the pilot tone in the composite stereo signal is probably not reliable enough because the pilot level between systems varies too widely and because of the possibility of low frequency beat interference. Unfortunately, we presently have no field test data to corroborate this observation.

[Sony Comments, February 9, 1981; page 15.]

Sony further stated that it believes a multi-system arrangement would greatly increase the receiver production costs without providing the listener with any corresponding benefit.

28. The Consumer Electronics Group of the Electronics Industries Association also addressed the question of a universal decoder:

EIA/CEG is not, of course, able to quantify the added manufacturing costs or predict with certainty how the market would respond to this [marketplace] approach. Nevertheless, EIA/CEG can state with confidence that: (1) the added manufacturing costs would raise the price to the consumer to possibly prohibitive levels; (2) automatic switching technology is not now available, nor is it likely to be in the near future; (3) manual system-switching would be unacceptable to consumers and, on the basis of public representations of some manufacturers, would not be marketed by many manufacturers; and (4) listeners would continue to be deprived of the benefits of AM stereo while the technology and marketing of a multi-system receiver develops, which is unacceptable given the quality of single system technology now available.

[EIA comments, February 11, 1981; page 3.]

29. One final matter concerning the selection process was the consideration of using a lottery to determine which system should be adopted as a national standard if we were unable to determine a unique superiority of one system over all others. Generally, those who responded to the suggestion of selection by lottery were not in favor of this procedure for selection of a single AM stereophonic system based on their belief that sufficient technical information was available upon which a single choice could be made.

30. Our previous efforts to select a single system failed to meet our own internal standards of confidence. Additional data were requested in the *Notice* and later in the *Further Notice* to compile an adequate record upon which to base a decision for a single system. In its attempt to select the proper system, the Commission devoted two senior technical personnel full-time over the past five months to the review of the available material. Additional engineering personnel also contributed as they were needed. This level of effort represents a substantial investment of the Commission's scarce technical resources in view of our other responsibilities.

31. After pouring this relatively large level of resources into this continued proceeding, the Commission finds that any decision for one AM stereo system would be highly tenuous. Of equal or greater importance, the Commission has reconsidered its earlier rejection of allowing a market determination of an AM stereo system or systems and is now persuaded that such a reliance on market forces in the present instance is the most prudent course to follow.

32. Before discussing the Commission's reasons for choosing the marketplace option, it may prove enlightening to review some of the Commission staff's deliberations after receipt of the comments and reply comments respondent to the *Further Notice*. Those deliberations can best be summarized by viewing the revision and completion of the "evaluation table."

The AM Stereo System Evaluation Table

33. Of the several different systems proposed, the evaluation table contained in the *Further Notice* considered only the Magnavox, Motorola, Harris, Belar, and Kahn/Hazeltine systems since these were the only proponents to provide test data. Brief technical descriptions of these five systems are contained in Appendix C along with a description of a theoretical sixth system proposed by F. T. Fisher's Sons Ltd.

34. In the *Further Notice* we stated that we had insufficient data to score all of the entries in the AM Stereo System Evaluation Table. As a result, several entries were left unscored and further data were requested from the proponents to enable us to complete the Table. Where these data were supplied by the proponents, they were used to score the entries. In cases where the requested data were not submitted, we relied upon either previously compiled data or, in some cases, our own estimates of performance. The data used

to complete the scoring of the Table are referenced in Appendix D. This Appendix also contains the scoring criteria that we used to score the occupied bandwidth, stereo to mono coverage, and stereo receiver performance categories.

35. In the *Further Notice* we also asked for comments on the Evaluation Table and on our methods of scoring. We carefully considered all of the comments that we received and took them into account when completing the Table. However, we made few changes in the structure of the Table and in our methods of evaluation, because after analyzing all of the comments it became increasingly apparent to us that, as NBC commented:

> [T]here is and can be no assurance that *any* such table will be sufficiently comprehensive or so weighted as to be acceptable to all interested parties.
> [NBC Comments, February 9, 1981, page 2, emphasis in original.]

36. We did not score any of the systems in the stereo to stereo coverage category. With the data that was available, we did not believe that we could make an adequate comparative analysis of the performance of the systems. Only two of the four proponents who responded to the *Further Notice* furnished data that we could relate to coverage. However, even for these two systems, we were unable to make a meaningful comparison of their stereo to stereo coverage because of the difference in receivers used and the difference in the frequency and modulation conditions under which the measurements were made.

37. One element of the Table and two entire categories have been rescored. These are the Protection Ratio category for Motorola, and the Stereo Separation and Occupied Bandwidth categories for all five systems, respectively.

38. Our original calculation of Motorola's Protection Ratio score was in error. Magnavox pointed this out in its comments in response to the *Further Notice* [Magnavox Comments, February 9, 1981; page III–10]. Motorola's score in this category should have been 7 rather than 10.

39. Harris stated that it was unfairly penalized in the transmitter stereo separation category since several of the measurements used in evaluating this category were made at audio frequencies outside the design limits of the Harris system. As Harris states:

> Harris has made a conscious, carefully reasoned decision to eliminate separation at and below 200 Hz, and to use instead the available L–R channel to place and buffer a pilot tone at frequencies high enough to assure fast lock time and minimize the risk of false stereo switching. Harris' pilot tone placement does not cause a loss of program material at and below 200 Hz; any program material at and below 200 Hz is transmitted in the Harris system in mono.
> [Harris Comments, February 9, 1981; page 114.]

Harris elected to limit stereo separation information at studio frequencies below 200 Hz because these frequencies do not significantly contribute to stereo localization when the program is received. Because of this, any separation measurements made on the Harris system at or below 200 Hz are meaningless.

40. Our previous choice of 5,000 Hz for the upper limit of this category was based on the stereo design limit of one of the systems. [*cf.*, ABC Comments, February 9, 1981; page 13.] Although we believe that stereo separation above 5,000 Hz is important for achieving good spatial localization, separation measurements made on this system above this frequency would be meaningless. Hence, we chose 5,000 Hz as the upper frequency limit for our evaluation of this category. Had we extended our evaluation out to 7,500 Hz, which was the stereo design limit for three of the other systems, this system would have scored poorly in this category. Had we made our evaluation out to 15,000 Hz, then only the Harris system would have scored well. In view of this, we have modified the frequency range over which stereo separation has been evaluated and have rescored all systems in the stereo separation category from 200 to 5,000 Hz.

41. In the *Further Notice* we scored all systems 10 in the occupied bandwidth category which effectively ruled out this category as one of the selection criteria. There have been objections to this. ABC stated that

> [It] does not believe that all five systems can be rated equally based upon occupied bandwidth.
> [ABC Comment, February 9, 1981; page 13.]

The NAMSRC Committee found that the three systems which it studied were of only marginal performance with respect to out of band emissions:

> Any single continuous tone higher than 7.5 kHz and 85% L–R modulation would place a set of sidebands slightly above or below the FCC limit depending on the system.
> [*AM Stereo*, The National AM Stereophonic Radio Committee, December, 1977; Section 1, page 8.]

Harris has correctly pointed out that, since these three systems are non-linear, superposition does not apply. Hence we cannot assume that

> At 100% modulation the spectrum will be the same shape but with every component 15% larger than at 85%.
> [Harris Comments, February 9, 1981; page 90.]

At 100% modulation levels, the spectral components will be larger. Hence, systems which are performing marginally at 85% modulation levels could be operating outside the limits allowed by the FCC rules when the modulation is raised to a higher level.

42. Reviewing and reconsidering our position on this category, we now believe that all of the systems should not be rated equally and that the scoring should reflect the differences in the spectral distribution of emissions which these systems produce. To score this category we used the 4-tone test data referenced in Appendix 1, page 3 of the *Further Notice.* Although this test

> Neither represents all possible types of program material nor corresponds to a direct test of the Commission's occupied bandwidth requirement . . .
> [*Further Notice*, July 31, 1980; page 12.]

It does afford a means of comparing all five systems under similar conditions. Using the 4-tone test data, we attempted to find a meaningful way of evaluating the bandwidth occupancy requirements for the various systems. We believe that the method we have chosen provides us with a valid means of comparing the spectrum of emissions produced by the five systems. The method which we used in scoring this category is described in Appendix D.

43. The completed AM stereo system evaluation table which follows represents our analysis of the stereophonic performance of the five proposed systems based upon the data which were presented to us or our own estimates where the data were not available. In the scoring of each category the Commission's staff used its best engineering judgment based upon the information and data which were available. However, no claim is made to any special uniqueness for any of the chosen methods of evaluation. In many of the categories, several other scoring methods and evaluation scales could perhaps have been devised that would have yielded an equally acceptable measure of a system's performance in that category.

AM STEREO SYSTEM EVALUATION TABLE

Evaluation category [1]	Magnavox	Motorola	Harris	Belar	Kahn
Monophonic compatibility:					
(1) Average harmonic distortion (15)	15	9	6	9	12
(2) Mistuning effects (5)	5	5	5	5	5
Interference characteristics:					
(1) Occupied bandwidth (10)	3	4	10	5	6
(2) Protection ratios (10)	7	7	8	1	9
Coverage (relative to mono):					
(1) Stereo to mono receiver (5)	5	5	5	5	5
(2) Stereo to stereo receiver (5)	*	*	*	*	*
Transmitter stereo performance:					
(1) Distortion (10)	8	8	6	8	4
(2) Frequency response (10)	8	5	5	6	8
(3) Separation (10)	10	10	10	8	3
(4) Noise (10)	6	10	8	6	8
Receiver stereo performance: Degradation in stereo performance over that measured at the transmitter, including consideration of directional antenna and propagation degradation (10)	9	8	9	5	5
Total scores	76	71	72	58	65

[1] Numbers in parenthesis ( ) indicate the maximum possible scores in the various categories or sub-categories.

Note: The entries in the table which are underscored are the ones which we have either completed or modified based upon data submitted in response to the *Further Notice* of September 11, 1980.

44. As stated above, no claim of uniqueness is made for the findings in this table and, indeed, some factors important in choosing an appropriate AM stereo system may not even appear in the table. As noted above, a great deal of staff time and technical resources were devoted to analyzing the large amount of technical information, some of which were confusing and conflicting. The Commission staff diligently and with expert skill labored through this multi-volumed docket. Although a single system was not selected much was learned of a highly useful nature about AM stereophonic broadcasting. In an effort to be helpful to those who will now be selecting an AM stereo system, namely, those in the private sector, additional technical information gained from the proceeding is set forth in Appendix E.

The Decision to Rely on Market Forces

45. The Commission's decision to leave it up to private decision makers to choose an AM stereo system is both driven by a desire not to make tenuous choices and encouraged by the fact that allowing a marketplace determination offers many advantages. Three fundamental reasons underlie this conclusion. First, the data possessed by the Commission are incompatible in some instances since no uniform test procedures were employed. Second, the weights assigned to the various factors and the engineering judgments employed are subject to variance depending on the analyst. Finally, the results obtained are close even if the data and methodological difficulties were absent. Thus, from the results in the evaluation table, no clear choice is apparent in any case.

46. After a careful review of all the facts in this proceeding, the benefits of turning such decisions over to private markets have come more clearly into focus. Two major broadcast networks have indicated no fear of submitting this decision to the workings of market forces just as the vast majority of other such decisions are left to private parties in our society. Private markets do not always function perfectly and with instantaneous speed; however, neither do government decision makers. In the case of AM stereo, the Commission has decided not to intervene in ordinary market processes and thus will permit broadcasters to choose whichever AM stereo system will best serve their interests and will allow them to alter their decisions as they see fit. The only concern that the Commission retains is that any AM stereo system employed must not interfere with the services of other users of the electromagnetic spectrum, it must comply with all international agreements and must furnish stereo service that conforms to our basic technical requirements for stereo.

47. Benefits in three fundamental areas are expected to accrue as a result of the Commission's relying on market forces and creating an open environment for AM stereo. First, private parties who have a vital interest in AM stereo will be allowed to assign their own value weights to the various characteristics of the systems. It would not be surprising to learn that such assignments will differ from those developed by the Commission staff. In addition, they will be able to include or exclude any factors they want. Factors such as cost at the transmitting or receiving end or other system design considerations may well be incorporated into their analyses. Indeed, as General Motors stated in its comments, "incremental cost is as important a determinant in selling the product as quality of reception." The Commission thinks that decisions being made by those affected is, in principle, a preferred course to government imposed decisions. Thus the Commission believes a better decision will result from our relying on market forces.

48. A second area of benefits made possible by choosing the marketplace option pertains to the process of technological change. Essentially three types of technological development are possible and are affected by this decision. The first type, which may be completely eliminated by the government mandating a single system, is development of new systems or products such as those discussed above. A second type of technological development concerns breakthroughs related to production processes which have cost reducing effects. Not only does free and open competition among manufacturers of the alternative systems permit exploration of ways to reduce the cost of existing systems, it provides a strong incentive for that development since each manufacturer will compete for adoption of his system.

49. The third type of technological change relates to improvement in the quality of existing systems. Of course, the manufacturer of the chosen system may continue to work on improving its system after a Commission selection is made but the incentive to do so is much more potent when the ever present spur of competition or potential competition prods him on. It is also possible that technological developments may lead to the possibility of inexpensive multi-system receivers. Just as these technological change aspects represent advantages of a free market's functioning, they represent costs that would be incurred if the Commission had selected a single system.

50. In addition to the costs imposed on society by slowing or preventing technological change, there are costs to society resulting from a loss of competition on price among manufacturers of the systems. By selecting a particular system, the government would be giving an outright grant of monopoly to the manufacturer of choice albeit with the condition that he share part of his monopoly gains through licensing his patented invention to others. Indeed, society has seen fit to grant monopoly privileges to patent holders as a reward for their inventiveness. However, government removal from the market of other patented substitutes clearly enhances the value of the lone remaining patented system. Furthermore, society itself elects

to pay a patentholder his higher prices in free market in order to enjoy the benefits of his product. In the case of a government mandated system, it is government who decides that the public may only buy the products of a particular manufacturer at his monopoly prices rather than individuals making their own choices.

51. A market-determined solution to the AM stereo selection process, although replete with benefits, is not without costs. One way of examining these costs is by considering some of the possible outcomes from allowing a free market to function in the instant case. Two important facts have a critical influence on what may happen. First, all five systems presently before the Commission are compatible with AM monophonic broadcasting; i.e. all five would continue to allow consumers with monophonic receivers to receive monophonically the signal being broadcast in stereo. Second, all five systems are incompatible with one another *i.e.*, a radio designed to detect only one type of stereo signal will receive another type only in mono.

52. The primary actors in the AM stereo marketplace will be broadcasters and their listeners, system manufacturers and receiver manufacturers. All these parties will play some role in determining which AM stereo system will be employed. Broadcasters will choose an AM stereo system by considering their interests including the competitive effect their choice will have on their listening audiences. System proponents and receiver manufacturers will both promote those systems that best serve their interests, including such considerations as the cost of transmitting equipment to broadcasters and receiving equipment to consumers, and will respond to those who might purchase their products. In addition to these immediate parties, industry associations may exert an influence on these actors by their publication of possible analyses or recommendations. Again, such market functioning resembles that of other markets in our basically free enterprise society.

53. Several possible market outcomes may arise from permitting an open environment for AM stereo. Perhaps the most obvious possibility is that one system would be universally selected by everyone. Such an outcome could differ from the government imposed single system approach in two respects. First, the system selected would be the one selected by actors in the private marketplace and may not be the same system that would have been singled out by the FCC. Also, that choice could be altered without recourse to the regulatory process, leaving a flexibility that simply is not possible where government regulatory processes are involved.

54. It is also possible that no system would be chosen. This could result from a number of causes. Most obvious is the possibility that consumers do not value stereophonic reception highly enough and simply refuse to pay the added receiver costs to receive any system. Such an outcome, of course, could result even if the Commission mandated a selection. The system would have failed to meet the market test even with a monopoly grant.

55. In the free market situation, it is possible that no system would be adopted widely enough to sustain AM stereo in the market. It is extremely difficult to delineate this situation from that discussed above where lack of consumer interest would not support even a single system. In this situation, consumers are so spread out among systems that no one system has sufficient audience to survive. However, we do not believe that the Commission should undertake the obligation of warranting the success of one or more systems. The more normal market development would be that, as some systems drop out, others pick up their listeners. So, if a threshold level of acceptance is necessary for success, it will be gained by some systems failing and other systems gaining their shares of the market. Even if such a failure could occur, its likelihood is remote and the Commission should act on the more likely outcomes listed above, not upon this worst case scenario. Indeed, there are costs associated with a market process such as this but it is the competitive process which virtually every new industry or product in America must endure.

56. Reluctance on the part of stations and listeners to adopt a system which may become obsolete also, in the extreme case, could result in no system being adopted. The likelihood of such an event, in part, depends on the strength of consumers' desires for the new type of service. It also depends on many other factors such as the number of risk-taking "pioneers" and the cost of making a mistake. The cost of making such a mistake would take into account the possibilities for modifying existing equipment. As in the above situation, nothing appears to differentiate the AM radio market from most of the other markets in the U.S. economy. A very strong case would have to be made in order to override the inherent benefits of consumers making their own choices rather than having their decisions made by government.

57. We are aware that there are costs and uncertainties associated with the functioning of any free market system and these are present in the case at hand. However, our society generally has not seen fit to supplant the free decisions of consumers with those imposed by government, and there is no convincing reason why AM radio represents a special case.

58. To provide for maximum flexibility in stereophonic system design, the rules we are adopting are general and address only those technical parameters essential to what we believe is minimally acceptable stereophonic performance, consistency with the existing allocation structure and compatible monophonic receiver operation. Thus, the rules set forth in Appendix F, in addition to making necessary editorial changes to accommodate the concept of AM stereophonic transmission, are limited to setting forth minimum standards in the following areas: monophonic receiver compatibility, consistency with international agreements, emission limitations and adjacent channel protection ratios, and stereophonic separation.

59. It is recognized that allowing the market to determine the selection of an AM stereo system or systems is a bold, new step for the Commission to take. It clearly represents a change from tradition. However, it signifies a more effective and more efficient approach to achieving the public interest goals of the Commission. Although some costs may be incurred as a result of the Commission moving in this direction, the potential benefits are substantial and should not be ignored. Therefore, we believe that pursuing the course of action set forth herein best serves consumer well-being and furthers the Commission's mandate to regulate in the public interest.

60. Accordingly, it is ordered, That effective April 26, 1982, Part 73 of the Commission's Rules is amended as set forth below. Authority for this action is found in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

62. It is Further Ordered, That this proceeding is Terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission,[1]
William J. Tricarico,
Secretary.

Appendix A

The following parties supplied formal comments to the *Further Notice:*

Proponents
- F. T. Fisher's Sons
- Harris Corporation
- Hazeltine Corporation
- Kahn Communications, Inc.
- Magnavox Consumer Electronics Company
- Motorola, Inc.

Broadcasters and Networks
- ABC
- NBC
- Meredith Corporation
- National Association of Broadcasters
- WATV
- WFIL
- WILI
- WOWO
- WXGT/WCOL

Manufacturers
- Matsushita Electric Industrial Company
- National Semiconductor
- Sansui Electric Company
- Sony Corporation

Interested Parties
- Altran Electronics Inc.
- Consumer Electronics Group of the Electronic Industries Assoc.
- Jim Lucy
- Arthur Thompson

The following parties supplied formal reply comments to the *Further Notice:*

Proponents
- Harris Corporation
- Hazeltine Corporation
- Kahn Communications, Inc.
- Magnavox Consumer Electronics Corporation
- Motorola Inc.

Broadcasters and Networks
- ABC
- Association for Broadcast Engineering Standards
- National Association of Broadcasters
- RKO Radio

Manufacturers
- General Electric Company
- General Motors Corporation

Interested Parties
- Altran Electronic Inc.
- Samuel L. Delaney
- Elmwood Park Cable Communication
- Stations Committee for AM Stereo
- Utilities Telecommunications Council
- Lloyd J. Wright, Jr.

There were other parties that submitted informal comments and reply comments which we have reviewed but have not listed here.

Appendix B

Pilot Tone and Telemetry (Load Management) Considerations

A pilot tone is an auxiliary modulating signal that a station transmits when it is broadcasting stereophonic programming. For the five stereo systems under consideration, the pilot tone is a low frequency signal of less than 100 hertz which angle modulates the carrier. When detected by a receiver capable of both monophonic and stereophonic operation the pilot tone locks the receiver in the stereo mode. Without a pilot tone, the receiver would require use of the differences in the left and right stereo channel program information for switching purposes.

The initial designs for two of the five stereo systems submitted to the Commission for consideration did not include pilot tones. Receiver manufacturers, in their comments, stressed the importance to the listening public in accepting stereo of having a rapid and reliable automatic method for receiver mode switching. The comments indicated that using the difference in left and right stereo channel program signals to actuate receiver mode switching would be completely unsatisfactory since this difference between the two channels fluctuates with program material and receiving conditions. Any receiver that would use this technique for receiver mode switching would be constantly fluctuating between mono and stereo reception. The proponents of the two stereo systems not incorporating pilot tones subsequently modified their systems to include such pilot tones. The pilot tones may also be used for synchronizing the stereo receiver decoding for some methods of transmitting AM stereo. As an added, but non-essential feature, an indicating light is included in some receivers to inform the listener that the station being received is transmitting stereophonic programming.

AM broadcast stations can also transmit subaudible telemetry signals for data and control purposes. (AM stations are now permitted to transmit low frequency tones using amplitude modulation for transmitter remote control telemetry within certain technical specifications to prevent disruption of reception on conventional consumer receivers.) Two of the respondents to the *Further Notice*, Altran Electronics and the Utilities Telecommunications Council, requested that we consider the possible use of AM stations to transmit electric utility load management signals in selecting an AM broadcast stereo system. Altran has developed and tested one of several suggested techniques for transmitting telemetry and control signals to turn off and on various customer electric power loads to equalize demand on generating facilities. It is claimed that transmission of these control signals by AM broadcast stations is the most efficient method of covering a large population area. The system developed and proposed by Altran may not be compatible with one or more of the AM stereo systems proposed for Commission consideration.

Altran suggests that there is no need to transmit a stereo pilot signal to "light the light" on the stereo receiver. Many informal comments received from broadcasters also questioned the need for the transmission of a stereo pilot tone. However, as explained above, the stereo pilot signal primary function is to provide reliable receiver operation. Schemes using other switching techniques do not appear to be sufficiently reliable nor rapid for consumer acceptance. Consequently, we have provided for the transmission of pilot tones in the amended rules.

Subsequent to its comments in this proceeding Altran submitted a request for rule amendments to permit AM stations to transmit its system of load management telemetry signals. (See *Notice of Proposed Rulemaking* in BC Docket No. 81–896.) We recently amended the FM broadcast rules to permit the transmission of load management signals using subcarrier multiplex techniques which will not interfere with either stereo transmissions or normal multiplex audio services. Similarly, we believe that should the rules be amended to permit the transmission of signals by AM stations for load management, such station use would be secondary on a non-interfering basis to the primary broadcast signal, either monaural or stereo.

Only Magnavox considered the possibility of secondary signaling on its 5 hertz pilot tone. We were unable to determine from the record in this proceeding the ability of any of the other four stereo systems to support secondary telemetry for load management or any other purpose. We are neither accepting nor precluding the Altran system or any other telemetry system in this proceeding. However, should AM station transmission of load management telemetry be permitted, each developer of a signaling system would have the responsibility to insure that its system does not interfere with

[1] Commissioner Quello concurring and issuing a statement in which Commissioner Fogarty concurs; Commissioner Washburn dissenting and issuing a statement.

broadcast reception and would be fully compatible with the transmitting station.

Appendix C

A Brief Description of the AM Stereo Systems Submitted for Consideration

Belar.—The Belar system frequency modulates the RF carrier with a pre-emphasized, 400 microsecond, (L–R) signal. The maximum frequency deviation of the carrier varies from 312.5 Hz at low frequencies to 6250 Hz at the higher audio frequencies. The (L+R) signal amplitude modulates the frequency modulated RF carrier. The Belar system is called an *AM–FM* system. The Belar pilot tone is 10 Hz.

Harris.—The Harris system modulates two carriers that are separated in phase by 90°. These two carriers are referred to as the inphase carrier and the quadrature carrier. The full (L+R) signal modulates the inphase carrier and a reduced (L–R) signal modulates the quadrature carrier. The two modulated carriers are then combined into one signal whose phase and amplitude are used to modulate the phase and amplitude of the transmitted signal.

The reduction in the level of the quadrature modulation is not fixed but varies from 1/1.00 to 1/3.73 depending upon the relative strengths of the (L+R) and (L–R) modulations. The gain reduction is needed for monophonic compatibility purposes and does not affect the linearity of the Harris system. However, in order to properly decode the Harris signal at the receiver, the instantaneous gain used in the (L–R) channel must be transmitted along with the signal. This is done by varying the frequency of the pilot tone from 55 to 96 Hz depending upon the instantaneous gain reduction of the (L–R) channel. Harris calls its system, *V–CPM*, variable compatible phase multiplex.

An alternative but completely equivalent way of describing the Harris system is to consider it as two carriers that are separated by an angle that can vary from 90 to 30 degrees. The left channel signal, L, modulates one of these carriers and the right channel signal, R, the other. The variable angle between the carriers is directly related to the gain reduction factor of the (L–R) channel as described above. Some representative values of the carrier separation angle and the gain reduction factor are: 90 degrees (1/1.00), 70 degrees (1/1.43), 60 degrees (1/1.73) and 30 degrees (1/3.73).

Kahn/Hazeltine.—The Kahn/Hazeltine system phase modulates the RF carrier with the (L–R) signal in such a way that amplitude modulation of the carrier will place *most* of the left channel stereo information in the lower sideband and *most* of the right channel stereo information in the upper sideband. Kahn/Hazeltine call their system an *"independent sideband"* system. The Kahn/Hazeltine pilot tone is 15 Hz, angle modulating the carrier approximately 0.1 radian.

Magnavox.—The Magnavox system uses the (L−R) signal to phase modulate the RF carrier and the (L+R) signal to amplitude modulate the phase modulated RF carrier. This type of system is known as an *AM–PM* system. Magnavox also phase modulates the RF carrier with a 5 Hz pilot tone of 4 radians peak deviation.

Motorola.—The Motorola system amplitude modulates two RF carriers that are separated in phase by 90 degrees. The (L+R) signal modulates one of the carriers and the (L×) signal the other. The two modulated carriers are then added together. At this point, the Motorola system is a linear system. However, the amplitude of the resultant signal is not fully compatible with monophonic envelope detector receivers. To achieve a better degree of compatibility, the combined signal is first hard limited and then remodulated with the (L+R) signal. The hard limiting and remodulation destroy the linearity which the Motorola system previously had attained. Motorola calls it system *C–QUAM*, compatible quadrature amplitude modulation. Motorola uses a 25 Hz pilot tone.

Fisher.—Fisher calls its system, DPC, dual-program capability. It is similar in some aspects to the original Harris modified quadrature system. Fisher believes that the system as proposed would have sufficient separation between the two audio information channels so that it could provide either two independent program services or stereophonic broadcasting. However, the Fisher system depends upon an improved equipment technology which has not been tested in operation. The transmitter would require amplifiers that are described as binary linear amplifiers and receivers using zero crossover detectors having additional negative feedback. In addition, the Fisher system requires three different pilot tones. Two of the pilot tones are used to synchronize the receiver detectors and the third to indicate whether independent two channel programming is being broadcast. As the dual programming capability of the Fisher system is not compatible with present monophonic receivers, Fisher proposed a required phasing in of the conversion of all stations to dual program capability over a ten year period.

Appendix D

The Sources of the Engineering Data Used and the Scoring Criteria Used in the Completion of the AM Stereo System Evaluation Table

A. Sources of the Engineering Data

I–1. Monophonic Compatibility (Harmonic Distortion):

Magnavox.—Magnavox Comments of February 9, 1981, page III–4, Station WOWO.

Belar.—Belar Comments of May 29, 1981, pages 38, 39 and 43. These were laboratory data. Belar did provide us with over-the-air measurements of Station WJR. However, they did not feel that these measurements adequately reflected the performance of their system in this category.

II–1. Interference Characteristics (Occupied Bandwidth):

Magnavox.—NAMSRC Report of December 1977, pages H–93, H–96, H–99 and H–102.

Motorola.—NAMSRC Report of December 1977, pages H–94, H–97, H–100 and H–103.

Harris.—Harris Comments of May 15, 1979, Appendix VI, Figures 1–4, 2–4, 3–4 and 5–4.

Belar.—Belar Comments of May 29, 1979, page 9.

Kahn.—Kahn Comments of May 14, 1979, Figure 17-c (42.5%, R-only, 85%, L=R, 85%, L=R), Figure 17-f (42.5%, L-only).

II–2. Interference Characteristics (Protection Ratios):

Belar.—Belar did not submit comments on the *Further Notice*. As we stated in paragraph 28 of the *Further Notice*, we could only score the Belar system as 1 on the data which we had at that point.

IV–4. Transmitter Stereo Performance (Noise):

Kahn.—Kahn Comments of February 9, 1981, page 16.

V. Receiver Stereo Performance:

Magnavox.—Magnavox Comments of February 9, 1981, Figure 20, Station WOWO, Philips 673#6 Receiver, 42.5% L-only, R-only modulation.

Motorola.—Motorola Comments of February 9, 1981, Part 2, page 124, Figures 18 and 19, Station WTAQ, Philips AH6731 receiver, 42.5% L-only, R-only.

Harris.—Harris Comments of February 9, 1981, Appendix I, pages 8 and 11, Station WGEM, Sansui receiver, 50% L-only, R-only.

Belar.—Belar did not submit Comments on the *Further Notice*. We gave the Belar system an average score of 5 in this category.

Kahn.—Neither Kahn nor Hazeltine furnished us with the data with which we could score this category. We gave the Kahn/Hazeltine system an average score of 5 in this category.

B. Scoring Criteria Used in Completing the Evaluation Table

In completing the AM Stereo System Evaluation Table, we used the same scoring method that was used in the *Further Notice* wherever this was possible. For some of the categories no scoring criteria had been established. In the following paragraphs, we explain our method of scoring these categories.

II–1 Interference Characteristics (Occupied Bandwidth):

The highest modulating frequency used in the 4-tone test is 9500 Hz. If no harmonics of these 4 tones or their intermodulation products are generated by the system, then all of the spectral components will lie within a 20 kHz band centered about the carrier. The presence of spectral components outside this region indicates that, in the case of stereo transmissions, a larger bandwidth is required than that needed to accommodate the basic modulation tones alone. The magnitude of these emissions provides an indirect measurement of the bandwidth occupancy of the system.

Our mehtod of scoring this category is relatively simple and is similar to the one used by NTIA in their evaluation of occupied bandwidth in their Comments of January 10/February 16, 1978. For each of the four different stereo transmission conditions (L=R, L-R, L-only, R-only), we looked for the largest single spectral component that was generated outside the 20 kHz band. In each of the four cases the magnitude of the component was determined relative to the carrier. The average of the four values was determined and a score was assigned on the basis of the following table:

Spectral component level (−dB)	Points
67–70	10
64–67	9
61–64	8
58–61	7
55–58	6
52–55	5
49–52	4
46–49	3
43–46	2
40–43	1
Less than 40	0

For one of the proponents, all of the measured harmonic and intermodulation products were less than the −70dB measurement limit of the spectrum analyzer which they used. We chose this value as one end of our scoring range. The other limit, −40dB, was chosen so as to bracket all of the measured values and yet not introduce too great an error by providing too large a scoring increment.

III–1. Coverage (Stereo To Mono Receiver):

We awarded all five systems under consideration the maximum number of points, 5, in this category. All of the five systems are designed to amplitude modulate the transmitted stereo signal up to the maximum modulation limits of +125% and −100%. The coverage data supplied by the proponents confirms this. However, in order to achieve these levels of modulation, receiver blanking will be required for four of these systems on the −100% modulation peaks.

V. Receiver Stereo Performance:

In the *Further Notice* it was proposed that this category be scored partly on the basis of the receiver's average stereophonic frequency response, separation, distortion and noise characteristics; and partly on the basis of how the system performed under adverse conditions such as deep fading, reception in or adjacent to null areas of directional arrays, and co-channel and adjacent channel interference. However, much of the data which the proponents supplied in regard to these categories were of a qualitative nature and could not be used for scoring purposes. Only the data supplied on stereo distortion and separation could be used as a means of rating the stereo receiver performance.

The data supplied on frequency response were not used as evaluative criteria since it was believed that the frequency response of a system can always be adjusted or corrected by appropriate design improvements or equalizers in the transmitter or receiver.

Sony has submitted measurements on the receiver performance of the Magnavox, Motorola, Harris, Belar and Kahn systems as a function of receiver tuning. However, they used only a few selected frequencies (400 and 1000 Hz) and modulations (45% mono, 30% stereo). We do not believe that these frequencies and modulations are representative of actual broadcast conditions. Because of this, we were unable to make use of their data in our scoring of this category.

The measurements of distortion and separation which were supplied by the proponents at frequencies of 400, 1000, 2000, 3000 and 5000 Hz were averaged. The averages were converted to scores based on the following tables.

	Points
Distortion (percent):	
0–1	5
1–2	4
2–3	3
3–4	2
4–5	1
Greater than 5	0
Separation (−dB):	
25 or better	5
23–25	4
21–23	3
19–21	2
16–19	1
Less than 16	0

Our method of scoring these two categories was consistent with the ways Category I–1, Average Transmitter Harmonic Distortion and Category IV–3, Transmitter Stereo Separation had been scored.

Appendix E

A significant factor in the ability of the unencumbered marketplace to make choices like the one left to it by this decision is the access to data on the costs, benefits and trade-offs of the various courses of conduct open to the participants in the marketplace. In the course of reviewing the record in this proceeding, the Commission's technical staff has summarized some of its findings in a report on the physical properties of the proposed AM stereo systems and the major tradeoffs which proponents have made to favor some evaluation criteria over others. We believe that the release of this summary will assist equipment manufacturers, broadcasters, and the public in their efforts in evaluating the various systems available to them.

In the view of the Commission's staff, the evaluation table did not adequately address overall system design. One of the more interesting features of system design is linearity. Theoretically, linear systems contain a number of desirable characteristics. The desired benefits are achieved, however, at the cost of full monophonic compatibility with present day receivers having envelope detectors. The trade-offs required to provide sufficient monophonic compatibility and still retain the benefits of linearity is of interest in comparing the different systems. This Appendix compares linear and non-linear stereophonic systems in a number of areas.

Staff Analysis of the Trade-Offs Between Linear and Non-Linear Systems

Explanation of the term, linear modulation system.—A carrier modulated signal can be represented as:

$$y = A\,\mathrm{Cos}(W_c t + 0) \quad (1)$$

where W_c is the carrier frequency and A and 0 are the amplitude and phase of the signal. Both A and 0 may be either single or complex functions of the modulating frequencies. Through the use of simple trigonometric relationships, equation (1) can be rewritten as

$$y=M(I)Cos(W_ct)+M(Q)Sin(W_ct) \quad (2)$$

where M(I) and M(Q) are the coefficients of the inphase and quadrature carrier components. They are related to the amplitude and phase factors in equation C–1 and also may be either simple or complex functions of the modulating frequencies.

As equations (1) and (2) are mathematically equivalent, it is immaterial as to which one we use in any given situation. The most appropriate choice is that which gives the clearest insight into the underlying physical phenomena. Equation (2) offers an excellent framework for displaying the sidebands generated by a modulated carrier. Hence for carrier modulated signals, we shall define what we mean by a linear system in terms of equation (2). If both coefficients M(I) and M(Q) in equation (2) consist of either simple tones or the linear sum of simple tones, that is, if

$$M(I)=A+\sum_m B_mCos(W_mt) \quad (3)$$

$$M(Q)=C+\sum_n D_nCos(W_nt) \quad (4)$$

then the system is a linear system. Here W_m and W_n are the frequencies of the simple tones and A, B_m, C and D_n are constants independent of frequency.

From equations (2), (3) and (4), it can be easily shown that with a linear system no harmonics or intermodulation products of the simple tones can be generated. The spectrum will consist of simple tones lying within a single set of sidebands on either side of the carrier. No distortion products will be present and no out-of-band emissions will occur.

Stated another way, whenever a radio frequency carrier wave is modulated, sidebands are generated. If the modulating function consists of only linear terms, then only simple sum and difference frequencies will appear in the sidebands. No intermodulation products and no sideband components of harmonic order higher than the first can be produced. There will be no out of band emissions and the total bandwidth required will be only twice the highest modulating frequency. However, if the modulating function is non-linear, both intermodulation products and sideband components of higher harmonic orders are produced. To prevent excessive distortion of the signal these emissions must be preserved. Hence, to achieve the same frequency response without distortion, the bandwidth required for a non-linear system must be at least twice that for a linear system. In the case of AM stereo we have allocation limitations imposed upon the bandwidth. As a result, in a non-linear AM stereo system, the maximum audio frequency at which stereo separation can be attained is, at best, only half that of a linear AM stereo system.

The significant advantages of an *ideal* linear AM stereo broadcasting system are:

a. no out-of-band emissions can be produced,

b. no intermodulation products can be produced, and

c. the full practical audio range of 50–15,000 Hz can be realized.

Such a system also

a. is most compatible with the use of synchronous detectors,

b. is fully compatible with monophonic receivers using synchronous detectors,

c. permits receivers to use the same type of detector in both the (L+R) and (L−R) channels, and

d. contains excellent potential for future technological growth.

In aiming to achieve those advantages, Harris elected to sacrifice full compatibility with monophonic receivers using envelope detectors whereby, under full stereo separation, harmonic distortion in these receivers would be 4.3%. In its original CPM system, which was also a linear system, Harris achieved a reasonable level of compatibility through a reduction of the amplitude of the (L−R) signal relative to the (L+R) signal. However, this resulted in a decrease in the signal-to-noise ratio in the (L−R) channel which limited the effective stereo coverage area. The V-CPM system sought to correct these deficiencies by varying the gain of the (L−R) channel. The trade-off here was a sacrifice of stereo separation for frequencies below 200 Hz.

We will now amplify on some of these points by comparing the Harris system with the four other systems considered in the Evaluation Table.

Spectral distribution of emissions.— When operating in the stereo mode, the Magnavox, Motorola, Belar and Kahn/Hazeltine systems generate both intermodulation products and higher order sidebands of the modulating frequencies. To prevent excessive distortion of the signal, at least the second order sidebands produced by the modulating frequencies must be retained. To do this and still stay within the bandwidth requirements imposed by the Commission's rules, Magnavox, Motorola and Belar limit the frequency response of their separation information to 7,500 Hz. The Kahn/Hazeltine system limits separation frequencies to 5,000 Hz. However, a linear system can attain stereo separation up to 15,000 Hz.

Intermodulation products.— Intermodulation products are present in all non-linear systems. They arise from the phase and amplitude modulating terms interacting with themselves. In the high resolution NAMSRC 4-tone test, the data for the Magnavox, Motorola and Belar systems clearly shows 400 Hz intermodulation products. [NAMSRC Report, December 1978; pages 10, 11 and 12.] Had such data been present for the Kahn/Hazeltine system we believe that these products would also appear in that system's spectrum. An *ideal* linear modulating system eliminates the potential received signal degradation from intermodulation products.

Synchronous detectors.—Of the five proposed AM stereo systems, the Harris system is most compatible with synchronous detectors. The Motorola and Kahn/Hazeltine systems have only a moderate compatibility and the Magnavox and Belar systems have practically none at all. Sansui believes that all future AM receivers will have this type of detection as indicated by the following comment:

> We believe, in the future, that all AM receivers will utilize this technology and that the envelope detector will disappear just as the vacuum tube receiver.
>
> [Sansui Reply Comments, August 3, 1979; page 3.]

Full audio range of 50–15,000 Hz.— The frequency response of the Harris system is 50–15,000 Hz in the monophonic (L+R) channel and 200–15,000 Hz in the stereophonic (L−R) channel. Harris utilizes the (L−R) frequency range below 200 Hz to transmit a compander control tone to improve stereo coverage while maintaining compatibility with envelope detector receivers. However if these receivers become replaced by synchronous detector receivers as Sansui believes, the Harris system can then revert to a fixed rather than a variable pilot tone and potentially a (L−R) frequency range of about 100–15,000 Hz could be made available to carry stereophonic information.

By contrast, the stereophonic (L−R) channel full modulation frequency response for the Magnavox, Motorola and Belar systems is 50–7,500 Hz and for the Kahn/Hazeltine system only 50–5,000 Hz. These frequency limitations are inherent features of these systems and cannot be improved within the existing bandwidth restriction. However, if in the future we are forced to reduce the maximum modulating frequency permitted AM broadcast stations from the present 15,000 Hz because of international agreements, the stereo channel frequency response of all the systems would have to be reduced proportionately. But we would expect the perceived quality degradation in the linear system to be less, since it would be able to maintain stereo information at higher audio frequencies than the other systems.

Receiver design.—In a stereo receiver, the detected (L+R) and (L−R) signals are matrixed together to obtain the individuals L and R signals. To prevent crosstalk between the L and R stereo channels, it is essential that the ratio of the (L+R) and (L−R) signals at the input to the matrix decoder be the same as their ratio at the output of the transmitter encoder. If this ratio is altered either through radio frequency (RF) or intermediate frequency (IF) gain changes which affect one of the channels but not the other, then the inputs to the decoder must be adjusted to compensate for these changes. Since the Harris system uses indentical detectors in the (L+R) and (L−R) channels, RF and IF gain changes affect each channel in the same way. However, the Magnavox, Motorola, Belar and Kahn/Hazeltine receivers each use an envelope detector in the (L+R) channel and some form of angle detector in the (L−R) channel. As RF and IF gain changes do not affect each channel in the same way, each of these four systems requires gain compensating circuitry to restore the correct (L+R) to (L−R) ratio at the input to the matrix decoder.

However, Harris' advantage here is somewhat offset by its need of a more complex pilot tone detection circuit. In the Harris system, the encoded ratio of the (L+R) and at the (L−R) signal is deliberately altered prior to transmission. The pilot tone detector has to determine the level of this change and pass a correction voltage to the matrix decoder. The need for this circuitry in the Harris system balances the gain compensating circuitry requirement in the other four systems. For receivers of a cheaper design this circuitry may not be necessary. Harris has determined that, although some degree of separation is lost, there is little detectable change in the quality of its signal when using a receiver that has a fixed gain reduction of 1/1.414 in the (L−R) channel. [Harris Comments, February 9, 1981; Appendix 3.]

A major strength of the Harris system is that necessary bandwidth limiting in receivers does not introduce distortion in the recovery of the transmitted signal. This characteristic stems from its being the only one of the five proposed systems for which the reception and decoding of the signal in the receiver is the exact inverse of the encoding and transmission of the signal in the transmitter. Because of this, the Harris system is the only one of the five systems for which a receiver can be built which theoretically does not introduce distortion as part of the decoding process. In all four other systems, hard limiting in the receiver causes inherent distortion in the docoding process. Necessary bandwidth limiting causes additional distortion for higher frequency components for these systems.

Receiver bandwidth limiting.—In most present AM receivers, some sort of bandwidth limiting takes places in the RF and IF amplifiers. In automobile receivers this is usually quite severe and bandwidths of only a few kHz are not uncommon. For signals generated by a linear transmission system, bandwidth limiting in receivers causes a loss of the higher frequency components of the signal. This results only in a loss in the high frequency response of the system and does not cause any distortion of the signal. In a non-linear system, however, not only are the higher frequency components of the signal lost, but also the higher order sideband components. The loss of these sideband components causes distortion of the signal.

Although Magnavox, Motorola, Belar and Kahn/Hazeltine have designed their systems to be compatible with monophonic envelope detector receivers, this does not mean that their signals will be reproduced by these receivers without distortion. If the receivers for these systems were of infinite bandwidth, distortion-free reception could occur. However, in almost all of the present AM receivers, bandwidth limiting will cause distortion of the program signals:

> We recognize that the linear quadrature type of AM Stereo system, although requiring no additional radio frequency bandwidth for transmitting the stereophonic signal or distortion correcting components, does produce a degree of distortion in monophonic receivers using typical envelope detectors. Sansui finds that distortion from this source is *less* objectionable than that produced by bandwidth limiting.
>
> [Sansui Reply Comments, March 9, 1978; emphasis in original.]

Even for an ideal monophonic signal, a typical diode envelope detector will introduce distortion on the negative modulation peaks because of the non-linear characteristics of the detector itself.

Negative Peak Modulation Considerations.—Four of the proposed AM stereo systems, Magnavox, Motorola, Belar and Kahn/Hazeltine, cannot achieve 100% negative modulation and still maintain stereo separation during the negative peak modulation interval.

This occurs because compatibility with existing transmitting system implies that all transmitted signals be of the form:

$$y = A\,\mathrm{Cos}(W_c t + \phi)$$

A continuous signal of this type is capable of carrying information in only two ways, in its amplitude and in its phase. However, whenever the amplitude of such a signal goes to zero, the information that was present in its phase is necessarily lost. In the Magnavox, Motorola, Belar, and Kahn/Hazeltine systems, the (L–R) information is carried entirely within the phase terms. Hence stereo separation will be lost by these systems during intervals of 100% negative peak modulation. The Harris system achieves 100% negative modulation only under L–R modulation conditions. Under this condition no stereo separation information is present and consequently none can be lost.

Future Technological Growth.—A major growth area for AM systems appears to be in the application of synchronous detector technology to AM receivers. Of the five proposed systems, the Harris system is the only one which can make full use of this technology. The other four systems have been so closely designed for envelope detector compatibility, they can use synchronous detectors only with the addition of corrective circuitry.

If synchronous detectors replace envelope detectors in AM monophonic and stereophonic receivers, the Harris system has the potential to evolve into an even better system. Once compatibility with monophonic envelope detector receivers is no longer a concern because of the small number of envelope detector receivers in circulation, a variable pilot tone will no longer be needed, and the Harris system can revert to a full quadrature system. The pilot tone would be fixed on its quiescent frequency of 55 Hz and the

frequency response of the (L–R) channel could be extended down to 100 Hz.

Appendix F

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS: GENERAL RULES AND REGULATIONS

1. Section 2.983 is amended by adding new paragraph (j) to read as follows:

§ 2.983 Application for type acceptance.

* * * * *

(j) An application for type acceptance of an AM broadcast stereophonic exciter-generator intended for interfacing with existing type-accepted transmitters shall include measurements made on a complete stereophonic transmitter. The instruction book required under paragraph (d)(8) of this Section shall include complete specifications and circuit requirements for interconnecting with existing transmitters. The instruction book must also provide a full description of the equipment and measurement procedures for performing equipment performance measurements and modulation monitoring to determine that the combination of stereo exciter-generator and transmitter meet the minimum specifications given in § 73.40.

2. Section 2.989 is amended by redesignating paragraphs (e)(2), (3), (4), and (5) as (e)(3), (4), (5), and (6); revising paragraph (e)(1), and adding new paragraph (e)(2) to read as follows:

§ 2.989 Measurement required: Occupied bandwidth.

* * * * *

(e) * * *

(1) AM broadcast transmitters for monaural operation—when amplitude modulated 85% by a 7,500 Hz input signal.

(2) AM broadcast stereophonic operation—when the transmitter operated under any stereophonic modulation condition not exceeding 100% on negative peaks and tested under the conditions specified in § 73.128 in Part 73 of the FCC rules for AM broadcast stations.

* * * * *

3. Section 2.1001 is amended by adding new paragraph (g) to read as follows:

§ 2.1001 Changes in type accepted equipment.

* * * * *

(g) The interfacing of a type accepted AM broadcast stereophonic exciter-generator with a type accepted AM broadcast transmitter in accordance with the manufacturer's instructions and upon completion of equipment performance measurements showing that the modified transmitter meets the minimum performance requirements applicable thereto is defined as a Class I permissive change for compliance with this Section.

PART 73—RADIO BROADCAST SERVICES

4. Section 73.14 is amended by revising the definitions of "AM broadcast channel;" deleting the definitions of "Modulated stage" and "Modulator stage;" and adding new definitions for "Amplitude modulated stage," "Amplitude modulator stage," "Incidental phase modulation," "Left (or right) signal," "Left (or Right) stereophonic channel," "Main channel," "Stereophonic channel," "Stereophonic crosstalk," "Stereophonic pilot tone," and "Stereophonic separation" to read as follows:

§ 73.14 AM broadcast definitions.

* * * * *

AM broadcast channel. The band of frequencies occupied by the carrier and the upper and lower sidebands of an AM broadcast signal with the carrier frequency at the center. Channels are designated by their assigned carrier frequencies. The 107 carrier frequencies assigned to AM broadcast stations begin at 540 kHz and are in successive steps of 10 kHz to 1600 kHz.

* * * * *

Amplitude modulated stage. The radio-frequency stage to which the modulator is coupled and in which the carrier wave is modulated in accordance with the system of amplitude modulation and the characteristics of the modulating wave.

* * * * *

Amplitude modulator stage. The last amplifier stage of the modulating wave amplitude modulates a radio-frequency stage.

* * * * *

Incidental phase modulation. The peak phase deviation (in radians) resulting from the process of amplitude modulation.

* * * * *

Left (or right) signal. The electrical output of a microphone or combination of microphones placed so as to convey the intensity, time, and location of sounds originated predominately to the listener's left (or right) of the center of the performing area.

* * * * *

Left (or right) stereophonic channel. The left (or right) signal as electrically reproduced in reception of AM stereophonic broadcasts.

* * * * *

Main channel. The band of audio frequencies from 50 to 15,000 Hz which amplitude modulates the carrier.

* * * * *

Stereophonic channel. The band of audio frequencies from 50 to 15,000 Hz containing the stereophonic information which modulates the radio frequency carrier.

* * * * *

Stereophonic crosstalk. An undesired signal occurring in the main channel from modulation of the stereophonic channel or that occurring in the stereophonic channel from modulation of the main channel.

* * * * *

Stereophonic pilot tone. An audio tone of fixed or variable frequency modulating the carrier during the transmission of stereophonic programs.

* * * * *

Stereophonic separation. The ratio of the electrical signal caused in the right (or left) stereophonic channel to the electrical signal caused in the left (or right) stereophonic channel by the transmission of only a right (or left) signal.

* * * * *

5. Section 73.40 is amended by revising the introduction of paragraph (a) and adding new paragraph (b) to read as follows:

§ 73.40 AM transmission system performance requirements.

* * * * *

(a) The design, installation, and operation of a monophonic AM broadcast transmission system between a common audio input amplifiers at the studio to the transmitting antenna terminals must meet the following specifications.

* * * * *

(b) The design, installation, and operation of a stereophonic AM broadcast transmission system between audio input amplifiers used for all programming for both the left and right program channels to the transmitting antenna terminals must meet the following specifications.

(1) Except when due to equipment failures or other conditions beyond the licensee's control, the transmitter must be capable of operating at the authorized power for each mode of operation, with a main (L+R) channel amplitude modulation not less than 85% and a left (L) only or right (R) only signal of not less than 75% over the audio frequency range from 50 to 5,000 Hz.

(2) For main channel modulation only, the transmission system shall meet the distortion specifications of paragraph

(a)(2) above with harmonics observed to 20,000 Hz. When stereophonic transmission is used, the distortion must be measured in the left and right channels separately modulated using a suitable stereophonic demodulator.

(3) The audio frequency transmitting characteristics for main (L+R), left (L) only and right (R) only modulation shall conform to the requirements of paragraph (a)(3) above, except that measurements shall extend to 7,500 Hz.

(4) The carrier-amplitude regulation (carrier shift) at any percentage of amplitude modulation by a main (L+R) channel signal shall not exceed 5%.

(5) The carrier hum and extraneous noise level, unweighted noise, over the frequency band 50 to 20,000 Hz for main channel (L+R), left (L), and right (R) channels must be at least 45 dB below the reference level of 100% amplitude modulation of the carrier by a 400 Hz tone. Measurements shall be made with a suitable stereophonic demodulator.

(6) The incidental phase modulation of the transmitter must be measured with the main (L+R) channel modulated at the audio frequencies and modulation levels specified in paragraph (b)(2) above.

Note.—Specifications for incidental phase modulation are not established.

(7) For the first five years following installation of stereophonic transmitting equipment, stereophonic separation between left and right stereophonic channels must be at least 15 dB at audio modulating frequencies between 400 and 5,000 Hz. After five years, stereophonic separation between left and right stereophonic channels must be at least 20 dB at audio modulating frequencies between 300 and 5,000 Hz.

* * * * *

6. Section 73.56 is amended by adding new paragraph (e) to read as follows:

§ 73.56 Modulation monitors.

* * * * *

(e) AM stations engaged in stereophonic broadcasting shall have sufficient monitoring equipment to insure that the transmitted signal conforms to the modulation requirements of § 73.1570 and as specified by the manufacturer of the type accepted stereophonic transmitting equipment in use. The indications of the main channel modulation level during stereophonic transmissions must be available to the transmitter operator as specified in paragraph (a) of this section.

Note.—Requirements for the type approval of AM stereophonic modulation monitors and for the stereophonic modulation indications to be available to the operator are not being established pending Commission action in BC Docket No. 81-696.

7. New § 73.128 is added to read as follows:

§ 73.128 AM stereophonic broadcasting.

(a) An AM broadcast station may, without specific authority from the FCC, transmit stereophonic programs upon installation of type accepted stereophonic transmitting equipment and the necessary measuring equipment to determine that the stereophonic transmissions conform to the modulation characteristics specified for the stereophonic transmission system in use.

(b) The FCC does not specify the composition of the transmitted stereophonic signal. However, the following limitations on the transmitted wave must be met to insure compliance with the occupied bandwidth limitations, compatibility with AM receivers using envelope detectors, and any applicable international agreements to which the United States is a party:

(1) The transmitted wave must meet the occupied bandwidth specifications of 73.44 under all possible conditions of program modulation. Compliance with requirement shall be demonstrated either by the following specific modulation tests or other documented test procedures that are to be fully described in the application for type acceptance and the transmitting equipment instruction manual. (See § 2.983 (d)(8) and (j)).

(i) Main channel (L+R) under all conditions of amplitude modulations for the stereophonic system but not exceeding amplitude modulation on negative peaks of 100%.

(ii) Stereophonic subchannel (L−R) modulated with audio tones of the same amplitude at the transmitter input terminals as in (i) above but with the phase of either the L or R channel reversed.

(iii) Left and Right Channel only, under all conditions of modulation for the stereophonic system in use but not exceeding amplitude modulation on negative peaks of 100%.

(2) The total harmonic distortion as measured by an envelope detector having an input radio frequency bandwidth of 30 kHz (3 dB points) may not exceed 5% for the conditions of modulation specified (1) of this paragraph.

(c) Each licensee or permittee of an AM station engaging in stereophonic broadcasting using a system with a pilot tone shall measure the quiescent pilot tone frequency and injection level and calibrate at intervals as often as necessary to insure compliance with the specifications for the system in use. However, in any event, the measurements shall be made at least once each calendar month with not more than 40 days between successive measurements.

8. Section 73.1545 is amended by revising paragraph (a) to read as follows:

§ 73.1545 Carrier frequency departure tolerances.

(a) *AM stations.* The departure of the carrier frequency for monophonic transmissions or center frequency for stereophonic transmissions may not exceed ± 20 Hz from the assigned frequency.

9. Section 73.1570 is amended by revising paragraph (b)(1) to read as follows:

§ 73.1570 Modulation levels: AM, FM, and TV aural.

* * * * *

(b) * * *

(1) *AM stations.* In no case shall the amplitude modulation of the carrier wave exceed 100% on negative peaks of frequent recurrence, or 125% on positive peaks at any time.

(i) AM stations transmitting stereophonic programs not exceed the AM maximum stereophonic transmission signal modulation specifications of stereophonic system in use.

(ii) AM stations transmitting telemetry signals for remote control or automatic transmission system operation must meet the modulation limitations of § 73.67(b) or § 73.142(j).

* * * * *

10. Section 73.1590 is amended by redesignating paragraphs (a)(3), (4), and (5) as (a)(4), (5), and (6); adding new paragraph (a)(3); revising the italicized heading of paragraph (b)(1); redesignating paragraphs (b)(2) as (b)(3); and adding new paragraph (b)(2) to read as follows:

§ 73.1590 Equipment performance measurements.

(a) * * *

(3) Installation of AM stereophonic transmission equipment pursuant to § 73.170.

* * * * *

(b) * * *

(1) *AM monophonic stations.* * * *

(2) *AM stereophonic stations.* (i) Data and curves showing the overall audio frequency response from 50 to 15,000 Hz for approximately 25%, 50%, 75%, and 100% modulation with equal left and right (L+R) main channel signal; 25%,

50%, and 75% modulation with both a left (L) channel only and right (R) channel only signals.

(ii) Data and curves showing audio frequency harmonic content for 25%, 50%, 75%, and (main channel only) 100% modulation for the audio frequencies 50, 100, 400, 1000, 5000, and when attainable 7,500, 10,000, 12,500, and 15,000 Hz (either arithmetical or RSS (root sum square) values up to the 10th harmonic or 30,000 Hz) for equal left and right (L=R), left (L) only and right (R) only signals. A family of curves must be plotted as specified in paragraph (b)(1)(ii) above.

(iii) Data showing percentage of carrier amplitude regulation as specified in paragraph (b)(1)(iii) above for main channel modulation with equal left and right (L=R) signals.

(iv) The carrier hum and extraneous noise level generated within the equipment, and measured throughout the audio spectrum, or band, in dB below the reference level of 100% amplitude modulation by a 400 Hz tone for the main, left, and right channels.

(v) Measurements or observations for spurious and harmonic radiations as specified in paragraph (b)(1)(v) above while modulating the transmitter main (L+R) channel, left (L) channel only, right (R) channel only and stereophonic channel only (L−R) signal. The tests shall be made with the tones and maximum attainable normal modulation as specified in 73.128(b).

(vi) The degree of incidental phase modulation of the carrier wave, in radians, when the main (L+R) channel is amplitude modulated without pilot tone. The tests shall be made with the tones and maximum attainable modulation levels as specified in (2)(i) of this paragraph.

(vii) The main to stereophonic channel and the stereophonic to main channel crosstalk. The tests shall be made with the tones and maximum attainable normal modulation as specified in (2)(i) of this paragraph.

(viii) In the above measurements, if 100% negative peak amplitude modulation is not attainable, the highest attainable modulation percentage between 95% and 100% modulation shall be used.

* * * * *

11. Section 73.1660 is amended by redesignating existing paragraph (d) as (e) and adding new paragraph (d) to read as follows:

§ 73.1660 Type acceptance of broadcast transmitters.

* * * * *

(d) AM stereophonic exciter-generators for interfacing with type accepted AM transmitters may be type accepted upon request from any manufacturer by the procedures described in Part 2 of the FCC rules. AM station licensees will not be authorized to use composite or non-type accepted AM stereophonic transmitting equipment under the provisions of paragraphs (b) and (c) of this Section.

* * * * *

12. Section 73.1690 is amended by redesignating paragraph (e)(4) as (e)(5) and adding new paragraph (e)(4) to read as follows:

§ 73.1690 Modification of transmission systems.

* * * * *

(e) * * *

(4) Modification of the transmitter for stereophonic broadcasting with a stereophonic exciter unit which has been type accepted and designed for interfacing with the type approved transmitter with which it is to be used.

* * * * *

13. The Alphabetical Index—Part 73 is amended by inserting the following new or revised listings in alphabetical sequence:

AM stereophonic broadcasting	73.128
Stereophonic broadcasting:	
AM	73.128
FM	73.297
NCE-FM	73.597
Stereophonic transmission standards:	
AM	73.170
FM	73.322

Statement of FCC Commissioner James H. Quello Concurring in the Result in Which Commissioner Joseph R. Fogarty Concurs

In re: AM Stereophonic Broadcasting, Docket No. 21313.

I generally hold the now prevailing view that there are many things that government doesn't do well and that the marketplace can often be relied upon instead of government regulation. The marketplace, I believe, is generally superior to government in the allocation of resources, in pricing and in setting acceptable levels of quality for goods and services. One thing that the marketplace doesn't do very well and something government should be prepared to do, it seems to me, is to establish technical standards in the interest of nationwide compatibility where there is a perceived desire or need for such compatibility.

The marketplace has very little competence to determine the relative merits of one technical standard versus another over the short term since its decisions are generally influenced by marketing efforts more than by technical superiority. To expect the American public to select a nationally compatible AM stereo system in a reasonable period of time from among even the five systems now before this Commission is sheer folly. In the first instance, the decision as to what system to select falls upon the broadcaster. He must guess which system will gain enough public acceptance over time to survive. It is at that point that the public must cast its votes with each broadcaster principally with a view toward avoiding, if possible, early obsolescence of receivers. Should two or more incompatible systems develop within a listening area, competition for listeners effectively takes place only until stereo receivers are purchased. From then on, the purchaser is "locked" into the system selected insofar as stereo is concerned.

I am appalled that it has taken this Commission five years to decide that it cannot decide this issue. We have vacillated, temporized and rationalized this matter until I believe the Report and Order is correctly stating that a viable standard can no longer be set. The Commission's credibility has been damaged sufficiently to bring into serious question whether we can fairly and in a reasonable period of time act responsibly to provide the basis for a compatible AM stereo system for this country. While this state of affairs is not my preferred outcome, the Report and Order appears to be merely a concession to the practical realities in this unfortunate situation.

Therefore, I concur in the result.

Dissenting Statement of Commissioner Abbott Washburn

Re: AM Stereo.

I dissent to the majority's decision which denies the request of the AM broadcasting and manufacturing industry for authorization of a single AM stereo system. My fellow Commissioners have, instead, stepped aside and turned the destiny of this service over to the marketplace.

I differ with them in assessing the consequences of multiple systems being offered to the public versus a single, nationwide system. The competing systems are technically incompatible. This means that in a given geographical area you might have two or three different stations broadcasting in AM stereo but using different systems, so the listener would have to have multiple radio sets in order to receive them. Or the consumer might find upon moving to another city that the radio set purchased to receive AM stereo will not receive the

AM stereo signal in the new location. Or a motorist, traveling the highway, might find that he or she can receive AM stereo in one community but not in the next.

Will the public accept these inconveniences and added costs, when they can already receive a universal FM stereo signal that is at least as good as AM stereo would be? The majority is betting that consumers *will* do so and that, furthermore, by eventually preferring one system over another, *they* will make the choice which the Commission is today eschewing.

I submit that this type of marketplace referendum is not the way to make an informed choice, if indeed it results in a choice at all. (The sad possibility of no service coming into being is recognized in paragraph 55 of the Order.) The data before us shows that the performance characteristics of the five systems are so close that consumers of AM stereo will be able to detect little if any difference among the systems. The difference among broadcast signals caused by different station powers and antennas, different distances and propagation paths between stations and consumers, different types of program material, different signal processing practices (such as signal compression for "louder" perceived sound level but lesser fidelity), and other aspects of signal and receiver quality will thoroughly mask system differences as perceived by consumers. In actuality, therefore, whichever system or systems evolve will be based not on true consumer preference resulting from comparison of the five systems, but rather on the size of promotion and merchandising expenditures and like factors.

It is a proper function of government to lay down the guidelines for a single system that will result in AM stereo in every home at the lowest cost consistent with technical excellence and quality reception. I remain convinced that the Commission *can* choose with confidence a system which will meet the needs of broadcasters, manufacturers, and the public. To do so risks making the "wrong" choice. But with the five systems running a close race in their technical quality, that risk is minimal. And I continue to believe that it is in the public interest for the Commission to choose a single system. The risk in selecting a single system pales in comparison to the consequences of compelling multiple systems to fight it out in the marketplace. Specifically, the authorization of a single system will prevent needless delays and avoid the very significant waste of resources by broadcasters, manufacturers and consumers associated with marketplace determination. In addition, the benefits which would result from price and performance improvements due to competition within a single system, as well as from vigorous competition between AM and FM stereo services, would begin flowing to the public immediately.

Selection of a single standard has been our practice for over 50 years. For example: monochrome and color TV, FM stereo, telephone and other communications systems were all designed to a standard selected by the FCC. The data and analysis we need to set a standard in AM stereo are before us. I dissent to the majority's unwillingness to make the choice which would have assured a national standard.

[FR Doc. 82-8026 Filed 3-26-82; 8:45 am]

BILLING CODE 6712-01-M

Proposed Rules

Federal Register
Vol. 47, No. 60
Monday, March 29, 1982

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

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Parts 317, 318 and 319

[Docket No. 77-759]

Margarine or Oleomargarine; Standards Revisions; Extension of Comment Period and Correction

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Proposed rule; extension of comment period and correction.

SUMMARY: On January 28, 1982, the Agency published a proposal to revise the present standard for margarine or oleomargarine contained in the Federal meat inspection regulations. The proposal was drafted in an attempt to avoid unnecessary inconsistencies between U.S. Department of Agriculture and Food and Drug Administration standards; and to establish a standard similar to the international standard of the Codex Alimentarius Commission. This notice will serve to extend the period for comment in response to the request of an industry group. It will also correct certain errors made in the original notice.

DATE: Comments must be received on or before May 28, 1982.

ADDRESS: Written comments to: Regulations Office, Attn: Annie Johnson, FSIS Hearing Clerk, Room 2637, South Agriculture Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Hibbert, Director, Standards and Labeling Division, Meat and Poultry Inspection Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-6042.

SUPPLEMENTARY INFORMATION:

Background

On January 28, 1982, the Agency published a proposed rule in the **Federal Register** (47 FR 4085-4089) to amend the Federal meat inspection regulations for the standards of composition for margarine and oleomargarine. Similar revisions were proposed by the Agency on June 25, 1976 (41 FR 26227-26228) but because of the elapsed time and comments submitted on the original proposal, the Agency decided to publish a reproposal incorporating some of the comments. The current proposal, if adopted, would promote compositional and labeling consistency for products distributed in both domestic and international markets. Further, the proposal would promote consistency between USDA and Food and Drug Administration (FDA) regulations.

The Department's Food Safety and Inspection Service received a request dated March 11, 1982, from the National Association of Margarine Manufacturers to extend the comment period to allow additional time to study the proposal and submit comments. The Agency is interested in receiving additional data on this proposal and has determined that there is sufficient justification for extending the comment period for 60 days.

It has come to our attention that the proposed rule contained a reference to the method contained in paragraph 16.188 of the 12th Edition of the Official Methods of Analysis of the Association of Official Analytical Chemists (AOAC). This publication is now in its 13th Edition and the appropriate paragraph is 16.206.

The proposed rule also contained two inadvertent errors. The first was the maximum amount permitted for antioxidants in margarine or oleomargarine. The maximum amount in the table should be 0.02 percent instead of 0.2 percent. The second error was the listing of acetyl gallate as an approved ingredient in margarine or oleomargarine. The substances listed should be "octyl gallate" instead of acetyl gallate." Octyl gallate is approve for use in margarine by the FDA and by the Codex Alimentarius Commission; acetyl gallate is not.

All remaining information contained in the original proposal is correct and as such, is unaffected by this notice.

Done at Washington, D.C. on March 24, 1982.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 82-8374 Filed 3-26-82; 8:45 am]
BILLING CODE 3410-DM-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 82-ASW-12]

Proposed Alteration of Transition Area; Ardmore, Okla.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Aviation Administration proposes alteration of the transition area at Ardmore, OK. The intended effect of the proposed action is to provide additional controlled airspace for aircraft executing new instrument approach procedures to the Ardmore Municipal Airport. This action is necessary to provide protection for aircraft executing standard instrument approach procedures (SIAP's) using the proposed partial instrument landing system (ILSP) to be installed on Runway 30.

DATES: Comments must be received on or before April 28, 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. Alteration of the transition area at Ardmore, OK, will necessitate an amendment to this subpart. This amendment will be required at Ardmore, OK, since there is a proposed change in IFR procedures to the Ardmore Municipal 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. 82–ASW–12." 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 (NRPM) 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:

Ardmore, Okla.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Ardmore Municipal Airport (latitude 34°18'12"N., longitude 97°00'59"W.) and 4.5 miles each side of the 135° bearing from the airport, extending from the 8.5-mile radius area to 17 miles southeast, and within 2 miles each side of the Ardmore VORTAC 233° and 053° radials extending from the 8.5-mile radius area to 8 miles southwest of the VORTAC; and within 2 miles north and 8 miles south of the 265° bearing from the Springtown NDB (latitude 34°17'58"N., longitude 97°08'29"W.) extending to 8 miles west of the NDB; and within a 5-mile radius of the Downtown Ardmore Airport (latitude 34°08'50"N., longitude 97°07'21"W.) and within 3.5 miles each side of the 168° bearing of the Arbuckle NDB (latitude 34°09'11"N., longitude 97°07'33"W.) extending from the 5-mile radius area to 11.5 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 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, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Fort Worth, TX, on March 17, 1982.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 82-8304 Filed 3-26-82; 8:45 am]

BILLING CODE 4910-13-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

Minimum Financial and Related Reporting Requirements for Futures Commission Merchants

Correction

In FR Doc. 82–7782, published at page 12353, on Tuesday, March 23, 1982, make the following corrections:

1. On page 12354, in footnote 1, in the eighth line "$150,000" should be corrected to read "$250,000".

2. On page 12355, in the second column, in the second paragraph under "**II. Other Amendments**", in the third line, "Commission's" should be corrected to read "Commission's current".

3. Also on page 12355, in the third column, in the first paragraph, in the third line, "rules are" should be corrected to read "rules are contained in § 1.17(h). Agreements which are in accord with those rules are".

BILLING CODE 1505-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 271, 273, and 274

[Docket No. RM82–8]

High-Cost Natural Gas Produced From Intermediate Deep Drilling; Extension of Public Hearing

March 23, 1982.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Supplemental notice of public hearing.

SUMMARY: On December 30, 1981, the Federal Energy Regulatory Commission issued a Notice of Proposed Rulemaking in Docket No. RM82–8 (47 FR 638, January 6, 1982), relating to the establishment as a category of high-cost natural gas subject to a special incentive price ceiling, gas produced from depths between 10,000 and 15,000 feet. By notice issued on February 24, 1982, the Commission rescheduled the public hearing, originally scheduled for March 2, 1982. (47 FR 8596, March 1, 1982). As provided in that notice, the public hearing will be held on Tuesday, April 6, 1982, beginning at 10:00 a.m. at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE.,

Washington, D.C. 20426, Hearing Room A. It appears that one day may be insufficient to provide all participants an opportunity to present their views. If it is necessary to schedule another day of hearings, the hearing will be continued on Thursday, April 8, 1982, beginning at 10:00 a.m. at the above location. In scheduling the partipants, the Secretary of the Commission will schedule all non-local participants for Tuesday, April 6, 1982, unless otherwise notified.

DATES: The public hearing will be held on Tuesday, April 6, 1982, and will be continued, if necessary, on Thursday, April 8, 1982.

ADDRESSES: The hearing will be held at: Hearing Room A, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Any questions regarding participation should be directed to: The Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 (202) 357–8400.

FOR FURTHER INFORMATION CONTACT: Michael A. Stosser, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 (202) 357–8033.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8316 Filed 3-26-82; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 10, 18, 19, 24, 113, 125, 132, 142, and 144

Proposed Customs Regulations Amendments Relating to Customs Bonded Warehouses

Correction

In FR Doc. 82–5883 appearing at page 9225 in the issue of Thursday, March 4, 1982, on page 9241, in the third column, the date now reading "February 27, 1982" should read "January 27, 1982".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 50

Camping; Proposed Rule

AGENCY: National Park Service, Interior.

ACTION: Proposed rule and policy statement with request for comments.

SUMMARY: This proposed rule specifies the types of activities considered by the National Park Service to be camping which must be confined to designated camping areas. The United States Court of Appeals for the District of Columbia Circuit held that sleeping by demonstrators in connection with the conduct of their First Amendment activities did not constitute camping as interpreted by the National Park Service in its administrative policy statement accompanying the recent revision of the rule on Demonstrations and special events. The National Park Service thus finds it necessary to specify the types of activities considered to be camping which must be confined to designated camping areas.

DATE: Written comments must be received on or before April 12, 1982.

ADDRESS: Written comments may be sent to: Manus J. Fish, Jr., Regional Director, National Capital Region, National Park Service, 1100 Ohio Drive, SW., Washington, D.C. 20242.

FOR FURTHER INFORMATION CONTACT: Sandra Alley, Associate Regional Director, Public Affairs, National Capital Region, National Park Service, 1100 Ohio Drive, SW., Washington, D.C. 20242, telephone: 202–426–6700; Richard G. Robbins, Assistant Solicitor, National Capital Parks, Office of the Solicitor, Department of the Interior, Washington, D.C. 20240, telephone: 202–343–4338.

SUPPLEMENTARY INFORMATION: The following persons participated in the writing of this regulation: Richard G. Robbins and Dianne H. Kelly, Office of the Solicitor.

Background

On November 13, 1981, an administrative policy statement and amendments to the National Park Service regulations governing demonstrations and special events in Washington, D.C. and its environs were published in the **Federal Register**, 45 FR 29856. In *Community for Creative Non-Violence v. Watt*, ——— F.2d ———, slip. op. 81–2381 (Decided January 22, 1982), the United States Court of Appeals for the District of Columbia Circuit held that sleeping by demonstrators in connection with the conduct of their First Amendment activities did not constitute camping as interpreted by the National Park Service in its administrative policy statement accompanying the recent revision of 36 CFR 50.19 (46 FR 55959). The National Park Service thus finds it necessary to specify the types of activities considered to be camping which must be confined to designated camping areas.

Proposed Regulatory Changes

Camping

The decision by the United States Court of Appeals for the District of Columbia Circuit in *Community for Creative Non-Violence*, which interpreted current regulations to allow sleeping by demonstrators in connection with First Amendment activity, has necessitated the addition of a definitional sentence to § 50.276 to avoid the use of the Memorial Core and other park areas of the nation's capital as a camping ground. Experience with administering the court's decision allowing sleeping has revealed that sleeping activity by demonstrators expands to include other aspects of living accommodations such as the storage of personal belongings and the peformance of necessary sanitary functions which have converted the sleeping area into actual campsites. Since the urban and nationally significant nature of the national capital parks render them unsuitable for camping and incapable of sustaining the impacts from that type of activity, the National Park Service proposes to make clear that activities normally associated with camping, such as sleeping, are not permitted outside designated campgrounds. This clarification will occur through the addition of a sentence to § 50.27 specifically defining the types of activities which the Park Service believes generate the adverse impacts of camping.

Reference to Prefatory Statement

In order to aid readers in understanding the administrative policies which have been developed to implement the revised regulations, a citation to the applicable **Federal Register** reference will appear at the conclusion of 36 CFR 50.27.

Administrative Policy Statement

Structures and Campsites

Because of the decision of the United States Court of Appeals for the District of Columbia Circuit in *Community for Creative Non-Violence v. Watt*, —— F.2d —— (D.C. Cir. 1982), slip. op. 81–2381, the National Park Service finds it necessary to clarify the definition of symbolic campsites and the extent to which temporary structures are permitted in connection with First Amendment activities.

It has been the long-standing administrative policy and practice of the National Park Service to allow demonstrators to erect temporary structures reasonably necessary for the conduct of their demonstration,

including the provision of logistical support. The requirement that the erection of temporary structures be permitted arose out of the decision of the United States Court of Appeals for the District of Columbia Circuit in *Women Strike for Peace v. Morton*, 472 F.2d 1273 (D.C. Cir. 1972). Following this decision, it became the policy of the National Park Service to allow tents to be erected as temporary structures in connection with permitted demonstrations. Tents may be erected as a means of symbolizing the message of demonstrating groups or of providing support and logistical services. Examples of activities where the Park Service has permitted the erection of tents in connection with demonstration activities include: A demonstration by the Community for Creative Non-Violence in which a number of tents symbolized the need for housing for the homeless; demonstrations by anti-war veterans groups where the tents symbolized conditions in Vietnam; Indian teepees by Indian rights groups to symbolize the plight of Indians; and numerous other demonstrations where support services tents were used for first aid facilities, for lost children areas, and to shelter electrical and other sensitive equipment or displays.

Although it is the policy of the National Park Service to permit tents as temporary structures for the above purposes in connection with permitted demonstration activities, the Park Service does not permit camping or the erection of tents for camping in connection with demonstration activities in other than formally designated and maintained campgrounds. Camping is defined as the use of park land for living accommodation purposes such as sleeping activities, or making preparations to sleep (including the laying down of bedding for the purpose of sleeping), or storing personal belongings or making any fire, or using any tent or shelter or other structure or vehicle for the purpose of sleeping or doing any digging or earth breaking or carrying on cooking activities. This policy is not intended to prohibit eating, cooking, and other traditional picnicking activities in areas designated for picnicking pursuant to 36 CFR 50.14.

The National Park Service emphatically believes that the Memorial Core area of the nation's capital is an especially unsuitable location for camping activities. The Memorial Core includes the Mall area, the Washington Monument grounds, the White House area, the Ellipse, Lafayette Park, East and West Potomac Park, the Jefferson and Lincoln Memorials, and the Kennedy Center. Were camping permitted in this area, other park visitors, including demonstrating park visitors, would be deprived of use of this nationally significant space. Camping could cause significant damage to park resources, create serious sanitation problems, and seriously tax law enforcement resources. It is probable that the cumulative impact of permitting any camping activities in the Memorial Core and other National Capital Park areas would cause the National Park Service to incur additional costs for park restoration, sanitary facilities and extra park personnel, including law enforcement personnel. Even though camping is now prohibited, the Park Service nevertheless receives several requests each year for camping in connection with demonstration activities. It is believed that these requests would increase dramatically were camping permitted because it would offer free, convenient living space for persons pursuing speech activities. Such use of park space would amount to a federal subsidy of the living costs of demonstrating park visitors and would create pressure from non-demonstrating visitors for similar accommodations.

It is the opinion of the National Park Service that allowing any of the activities included within the definition of camping, such as sleeping only, would result in expansion of activities to include all aspects of living accommodations. Were people permitted to merely sleep, for instance, it is probable that persons would also seek to eat and/or prepare food in the area, utilize the area for necessary sanitary functions (toilet, bathing, washing) change clothes and store, air or launder personal belongings in the area. It is believed that such a situation would create unacceptable adverse impacts to park areas, deprive other visitors of use of the park area and create law enforcement confrontations arising from attempts to confine activities within specific paramenters. In fact, experience with administering the court's decision in *Community for Creative Non-Violence* allowing sleeping has revealed that activities by demonstrators are already expanding to include the storage of personal belongings and the performance of sanitary functions in the area of the structures.

The National Park Service is mindful of the need to provide camping facilities in park areas within the metropolitan Washington, D.C. area. Fully equipped and maintained campgrounds are located in parks which can sustain the impacts from camping activities and which are within reasonable proximity to the capital. Demonstrating park visitors are free to avail themselves of these facilities.

Public Participation

The policy of the Department of the Interior is whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed regulation to the address noted at the beginning of the rulemaking.

Impact Analysis

The National Park Service has determined that this document is not a major rule requiring preparation of a Regulatory Impact Analysis under Executive Order 12291 and does not require a small entity flexibility analysis under Pub. L. 96–354. The proposed rule is designed only to specify the types of activities considered by the National Park Service to be camping which must be confined to designated camping areas. The rule will have no substantial impact on any aspect of the economy.

(Section 3, Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3); 25 DMI (44 FR 23384); D.C. Code section 8–108 (1973); and National Park Service Order No. 77 (38 FR 74778), as amended).

Date approved: March 2, 1982.

R. C. Davidge,

Acting Deputy Assistant Secretary, Fish, Wildlife and Parks.

PART 50—NATIONAL CAPITAL PARKS REGULATIONS

In consideration of the foregoing, § 50.27 of Title 36 of the Code of Federal Regulations is accordingly amended:

§ 50.27 [Amended]

1. By revising § 50.27(a) to read as follows:

(a) Camping is defined as the use of park land for living accommodation purposes such as sleeping activities, or making preparations to sleep (including the laying down of bedding for the purpose of sleeping), or storing personal belongings, or making any fire, or using any tent or shelter or other structure or vehicle for the purpose of sleeping or doing any digging or earth breaking or carrying on cooking activities. Camping is permitted only in areas designated by the Superintendent who may establish limitations of time allowed for camping in any public camping ground. Upon the posting of such limitations in the campground, no person shall camp for a

period longer than that specified for the particular campground.

* * * * *

2. By amending § 50.27 to add paragraph (h) to read as follows:

* * * * *

(h) Further information on administering these regulations can be found in the **Federal Register** of March 29, 1982.

[FR Doc. 82-8284 Filed 3-26-82; 8:45 am]

BILLING CODE 4310-10-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-4-FRL-2022-8]

Approval and Promulgation of Implementation Plans; North Carolina: Alternative Emission Reduction Options

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve implementation plan revisions which North Carolina submitted on April 16 and September 14, 1981. These revisions include regulations providing for alternative emission reduction options (the "bubble" concept), the State's permit regulations, and miscellaneous regulatory changes. The public is invited to submit written comments on the proposed action.

DATE: To be considered, written comments must be received on or before April 28, 1982.

ADDRESSES: Copies of the materials submitted by North Carolina may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460

Library, Environmental Protection Agency, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30365

Division of Environmental Management, North Carolina Department of Natural Resources & Community Development, 512 N. Salisbury Street, Raleigh, North Carolina 27611, Archdale Building

FOR FURTHER INFORMATION CONTACT: Walter Bishop of the Region IV Air Programs Branch at 404/881-3043 (FTS 257-3043).

SUPPLEMENTARY INFORMATION: The regulation changes described below were submitted to EPA on April 16 and September 14, 1981, for approval as implementation plan revisions. EPA proposes to approve all of them except new regulation 2H.603(h).

A. Bubble Concept

An important feature of the North Carolina Submittal allows industrial plants to have alternative emission reduction options, or bubbles. The traditional control approach requires plants to meet all limits set for individual emission sources. Under the bubble approach, a plant may propose an alternative plan it can implement at less cost. Such a plan must provide the same air quality benefit as traditional control, but it may do so by controlling some sources more than normally required while controlling others less or not at all. The following changes to North Carolina's regulations will allow the State to approve individual bubble plans for VOC emissions under a generic bubble rule. VOC bubble plans approved by North Carolina under this generic rule need not be submitted to EPA as individual SIP revisions. The changes being approved today also establish procedures for developing bubble plans for other pollutants. These bubble plans must be submitted to EPA for approval as individual SIP revisions. The North Carolina bubble regulations are consistent with EPA's policy statement of December 11, 1979 (44 FR 71780) and EPA's criteria for approval of VOC generic bubble rules (see EPA approval of the New Jersey rule on April 6, 1981 at 46 FR 20551).

1. *Regulation 2D.0501, Compliance with Emission Control Standards—Subdivision (g) added.* This change allows facilities to have alternative emission reduction options under the following conditions:

a. New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS) (40 CFR Parts 60 & 61) requirements are met.

b. Lowest achievable emission rate (LAER) requirements are met, if the source is located in—or affects—a nonattainment area.

c. Best available control technology (BACT) requirements of prevention of significant deterioration (PSD) permits are met.

d. Section 111(d) requirements are met.

e. The area in which the source is located is either:

i. Attainment or unclassifiable for the pollutant in question, or

ii. Nonattainment, but will attain by statutory deadlines while making reasonable further progress towards attainment.

f. All emission sources affected by the alternative options are in compliance with applicable regulations or are meeting an approved compliance schedule.

2. *Regulation 2H.0603, Applications—subdivision (g) added.*

This change provides two ways of making bubbles part of North Carolina's SIP:

a. For all pollutants other then VOC, an individual bubble plan must be subject to a public hearing and must be submitted to EPA for approval as a SIP revision.

b. For VOC, EPA approval of an individual bubble plan is not required if:

(1) The bubble is approved by the state as consistent with the requirements of Regulation .0501(g) (i.e., the total emission limits under the bubble are the same as under the original SIP limits);

(2) The bubble is subject to a 30-day public comment period;

(3) It is accompanied by the applicant's written acknowledgement that the emission limits under the bubble are fully enforceable by EPA.

B. Miscellaneous Rule Changes

1. *Regulation 2D.0403, Suspended Particulate*—ambient standard is relaxed from 60 to 75 micrograms per cubic meter, to make it more consistent with the Federal annual standard for this pollutant.

2. *Regulation 2D.0524, New Source Performance Standards (NSPS)*—

a. Two categories are added: (i) Stationary gas turbines, and (ii) Electric utility generating units on which construction begins after September 18, 1978. (The State requested a delegation of authority to administer these two categories of Federal NSPS.)

b. Language is added to make it clear that a state permit is needed for sources subject to 40 CFR Parts 60 and 61. (This is also added to 2D.0525, National Emission Standards for Hazardous Air Pollutants (NESHAPS).)

3. *Section 2D.0700, Post-attainment Policy*—This is repealed, since the Clean Air Act no longer recognizes states' administrative special orders in this area.

4. *Section 2D.0900, Volatile Organic Compounds*—

a. Definitions of "Potential emissions" and "fugitive emissions" are added to 2D.0901, and the explanatory phrase "(before control)" is deleted following "potential" in subdivision (b)(2) of regulation 2D.0902. The new definition of "potential emissions" states that physical or operational limitations on a source's capacity to emit are covered if

they are described in or made a condition of the permit. This definition also covers fugitive emissions from (i) petroleum refineries, (ii) chemical plants, and (iii) petroleum storage and transfer units with a total capacity exceeding 300,000 barrels.

b. Several halocarbons are exempted from control (chlorofluorocarbons 11, 12, 22, 113, 114, and 115 and fluorocarbon 23).

c. Language is added to 2D.0910 to make clear that alternate compliance schedules must be in the source's permit.

5. *Section 2H.0600, Air Quality Permits*—existing regulations are readopted (since only portions of them had been submitted to EPA and approved). The following changes are also made:

a. Regulation 2H.0603(f) is amended to require a public hearing on certain VOC source permit conditions:

i. Physical or operational limitation on capacity to emit use as the basis for avoiding control.

ii. Alternative controls under regulation 2D.0905.

iii. Alternative compliance schedules under regulation 2D.0910.

iv. Quantity of solvent-borne ink used under regulation 2D.0936.

b. Subdivision (h) is added to regulation 2H.0603. The effect is to make the VOC source permit conditions specified in 2H.0603(f) Federally enforceable without going through SIP revision procedures.

Proposed Action

EPA proposes to approve these changes in the North Carolina plan, except for the addition of subdivision (h) to regulation 2H.0603. EPA is taking no action on this provision, since it conflicts with current Agency policy on the enforceability of State permits. The other revisions are consistent with EPA regulations and guidelines. The North Carolina bubble regulations, specifically, are consistent with EPA's bubble policy statement of December 11, 1979 (44 FR 71780). The public is invited to participate in this rulemaking by submitting written comments on today's proposal.

Pursuant to the provisions of 5 U.S.C. Section 605(b) the Administrator has certified (46 FR 8709) that the present rule 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 regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it imposes no new burden on sources.

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

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

Dated: December 21, 1981.

Charles R. Jeter,

Regional Administrator

[FR Doc. 82-8353 Filed 3-26-82; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 265

[SWH-FRL 2087-4]

Hazardous Waste Management System; Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities; Extension of Comment Period

AGENCY: Environmental Protection Agency.

ACTION: Extension of comment period for proposed rule.

SUMMARY: On February 25, 1982, EPA proposed rules setting forth a new set of requirements restricting landfill disposal of containerized liquids at hazardous waste landfills operating under interim status. The purpose of this document is to extend the comment period on that proposal until June 28, 1982. The extension is being granted because of a request for an extension from participants at the March 11 public hearing, and because the urgency of promulgating final rules has been reduced since EPA has published interim controls on disposal of containerized waste. The comment period was orginally due to end on March 29, 1982.

DATE: Comments must be received on or before Jume 28, 1982.

ADDRESS: Comments should be addressed to Robert Axelrad, Docket Clerk, Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C., 20460, (202) 382-4487.

Comments should identify the regulatory docket as follows: "Docket No. 3004; Liquids in Landfills."

The public docket for this rulemaking is available at Room S269C, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC, 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, DC, 20460, 800/424-9346 (382-3000 in Washington, DC). For specific information on this supplemental notice, contact Rod Jenkins, Chief, Land Disposal Branch, Office of Solid Waste (WH-565E), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, DC, 20460, (202) 382-4489.

SUPPLEMENTARY INFORMATION: 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 hazardous waste treatment, storage, and disposal facilities which have "interim status" under section 3005(e) of the Resource Conservation and Recovery Act (RCRA). Subpart N (§§ 265.300-265.339) of those regulations established interim status standards applicable to owners and operators of landfills. As promulgated on May 19, 1980, § 265.314 prohibited the placement of containerized liquid waste in landfills on and after November 19, 1981, with certain limited exceptions.[1]

After promulgation of these regulations, members of the regulated community raised the concern that implementation of the absolute prohibition on landfill disposal of all containers holding any liquid would create risks caused by the need to open and inspect containers of waste for liquid content at the disposal site. Further, they suggested that it was technically infeasible to reduce the liquid content of most wastes to zero.

In response to these concerns, the Agency proposed on February 25, 1982 (47 FR 8307), alternative methods for restricting the disposal of containerized liquids. One method, discussed in the preamble to the proposal, (see 47 FR 8308) was to limit the allowable amount of liquid in each container to some fixed

[1] The exceptions were containers designed to hold liquids or free liquids for use other than storage (e.g., a battery or capacitor), and very small containers (e.g., an ampule). An additional exception for containers packaged in accordance with § 265.316 (lab packs), was promulgated on November 17, 1981 (see 46 FR 56592).

percent, such as ten percent (the 10% rule). A second method would restrict the volume of a landfill that could be used for the disposal of containers holding liquid waste. Under this second approach, the percentage of landfill volume which could be devoted to containers holding any liquid would be determined on a case-by-case basis using a formula involving the average depth of the landfill cell. Also proposed was a simple filter test for determining if a waste contained free liquids.

To allow time to collect and consider comments on these proposals and to promulgate a final rule, the Agency suspended the prohibition of landfill disposal of containerized liquids for 90 days. A 30 day comment period on the suspension and the proposal was provided.

Shortly after the February 25 promulgation, the Agency received two petitions requesting reconsideration of the suspension. In response, the Agency held a public hearing on March 11, 1982. As a result of testimony at the hearing, EPA promulgated an interim rule on March 22 (47 FR 12316), imposing interim controls on the landfill disposal of containerized liquids, pending further consideration of the issue and the issuance of a permanent rule. The March 22 rule prohibits the landfill disposal of containers holding free liquids unless all free-standing liquid is removed, absorbed, solidified, or otherwise eliminated.

Participants in the March 11 public hearing requested that the Agency extend the comment period on the February 25 proposal. The Agency originally provided a comment period of only 30 days so as to minimize the length of time involved in collecting and analyzing comments and promulgating a final rule, thus minimizing the length of the extension fo the compliance date of § 265.314(b). However, because the Agency has now imposed interim controls on the disposal of containerized liquid waste in landfills, the urgency of promulgating a permanent rule is reduced. To provide the public more time to evaluate and respond to the February 25 proposal to amend §§ 265.312 and 265.314, the comment period is extended to June 28, 1982.

The Agency is currently considering publishing a supplemental notice on the February 25 proposal in the near future. This supplemental notice would set forth the full range of options which EPA is considering in developing a final rule, and request public comment on those options.

Dated: March 24, 1982.

Christopher J. Capper,

Acting Assistant Administrator, Office of Solid Waste and Emergency Response.

[FR Doc. 82-8428 Filed 3-26-82; 8:45 am]

BILLING CODE 6560-30-M

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40 CFR Part 300

[SWH-FRL-2086-6]

Hazardous Substances; National Oil and Hazardous Substances Pollution Contingency Plan

AGENCY: Enviromental Protection Agency.

ACTION: Extension of public comment period.

SUMMARY: On March 12, 1982, EPA published proposed revisions to the National Contingency Plan (NCP) required by section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). (47 FR 10972). The notice allowed thirty (30) days for public comment on the proposed revisions. This action extends that comment period by an additional fifteen (15) days to and including April 28, 1982.

DATES: Comments on the proposed revisions to the NCP must be submitted on or before April 28, 1982.

ADDRESSES: Comments may be mailed to William N. Hedeman, Jr., Director, Office of Emergency and Remedial Response (WH-548), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Sylvia Lowrance, Office of Emergency and Remedial Response (WH-548), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, Phone (202) 382-2235.

SUPPLEMENTARY INFORMATION: In the notice proposing revisions to the NCP, EPA allowed thirty (30) days for public comment pursuant to an Order of the United States District Court for the District of Columbia in the case of *Environmental Defense Fund, et al.* v. *Gorsuch, et al.*, (Nos. 81-2083 and 81-2269). (See 47 FR 10978). EPA filed a motion requesting the Court to allow sixty (60) days for public comment. On March 18, 1982, the Court amended its Order to allow a total of forty-five (45) days for public comment. EPA is therefore extending the public comment period on the proposed revisions to the NCP appearing at 47 FR 10972 from April 12, 1982 to April 28, 1982.

Dated: March 22, 1982.

Christopher J. Capper,

Acting Assistant Administrator for Solid Waste and Emergency Response.

[FR Doc. 82-8350 Filed 3-26-82; 8:45 am]

BILLING CODE 6560-38-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 405 and 416

Medicare Program; Ambulatory Surgical Services

Correction

In FR Doc. 82-7654, appearing at page 12574 in the issue of Tuesday, March 23, 1982, the last section heading in column one on page 12586 should have read, "§ 405.1543 Joint hearings."

BILLING CODE 1505-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6265]

National Flood Insurance Program Proposed Special Flood Hazard Areas, Base Flood Elevations, and Zone Designation Determinations for Hidalgo County, Tex.

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule

SUMMARY: Technical information or comments are solicited on the proposed special flood hazard areas, base flood elevations, and zone designations as described below.

The proposed special flood hazard areas, base flood elevations, and zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed special flood hazard areas, base flood elevations, and zone designations are available for review at the Hidalgo

County Courthouse Annex, Edinburg, Texas.

Send comments to: Honorable Ramiro M. Guerra, Hidalgo County Judge, P.O. Box 1356, Edinburg, Texas 78539.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Natural Hazards Division, Office of Natural and Technological Hazards, Federal Emergency Management Agency, Washington, D.C., 20472, (202) 287–0216.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support, gives notice of the proposed special flood hazard areas, base flood elevations, and zone designations for Hidalgo County, Texas in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67.

These special flood hazard areas, based flood elevations, and zone designations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. It should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed special flood hazard areas, base flood elevations, and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed special flood hazard areas, identified as Zone A, are being added south of Route 107 and west of Route 494; east of U.S. Route 281 at Faysville; north of U.S. Route 83 and east of Bentsen-Palm Drive; and in the Bentsen Rio Grande Valley State Park. The proposed special flood hazard areas, identified as Zone AH, are being added east of Route 336, between Route 107 and Wisconsin Road, and the proposed base flood elevations are 98 feet National Geodetic Vertical Datum (NGVD), 101 feet NGVD, and 107 feet NGVD. Also, the proposed Zone AH is being added along U.S. Route 83 and west of the Missouri Pacific Railroad with an elevation of 118 feet NGVD; and along Route 1426 and south of Iowa Road with the base flood elevation ranging from 95 feet NGVD to 96 feet NGVD. In addition, the proposed Zone AO (depth 2 feet) is being added north of U.S. Route 83 and west of Alamo Road.

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

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

Issued: March 15, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82–8303 Filed 3–26–82; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 67

[Docket No. FEMA–5724]

National Flood Insurance Program; Revision of Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical Information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Ridley, Delaware County, Pennsylvania.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in the Federal Register at 44 FR 64449 on November 7, 1979, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in each community.

ADDRESSES: Maps and other information showing the detailed outlines of the floodprone areas and the proposed flood elevations are available for review at the Ridley Township Municipal Building, MacDade Boulevard and Morton Avenue, Folsom, Pennsylvania.

Send comments to: Honorable Joseph Cronin, President of the Ridley Board of Commissioners, Township Municipal Building, MacDade Boulevard and Morton Avenue, Folsom, Pennsylvania 19033.

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

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the Township of Ridley, Delaware County, Pennsylvania, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

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

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

requirement; of itself it has no economic impact.

Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Crum Creek	Confluence with Delaware River.	*10
	Confluence of Little Crum Creek.	*13
	Downstream of Jefferson Avenue.	*25
	Upstream corporate limits.	*43
Stony Creek	Confluence with Darby Creek.	*10
	Downstream of Chester Pike.	*23
	Downstream of dam	*65
	Upstream of Fourth Avenue.	*85
	Upstream corporate limits.	*113
Little Crum Creek	Confluence with Crum Creek.	*13
	Downstream of Haverford Road.	*54
	Upstream corporate limits.	*85
Ridley Creek	Downstream corporate limits.	*14
	Upstream corporate limits.	*21
Muckinipattis Creek	Downstream corporate limits.	*68
	Upstream corporate limits.	*91
Delaware River	Entire shoreline within community.	*10

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

Issued: March 16, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-8322 Filed 3-26-82; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 81-18; Notice No. 01]

Federal Motor Vehicle Safety Standards; Brake Hoses

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Grant of petition, notice of proposed rulemaking.

SUMMARY: This notice grants a petition for rulemaking submitted by General Motors Corporation and proposes to amend Safety Standard No. 106, *Brake Hoses*, to make certain changes in the test procedures relating to the brake hose "whip test". Specifically, General Motors asked that the list of items to be removed from the brake hose assembly prior to conducting the "whip test" be expanded to include mounting brackets. This notice proposes to make the requested change since the agency's practice has been to remove all readily removable components from the hose assembly prior to conducting this test.

DATES: Comments should be received no later than May 13, 1982. Proposed effective date: upon the issuance of any final rule.

ADDRESS: All comments should refer to the docket number and notice number of this notice and be submitted to NHTSA Docket Section, Room 5109, 400 Seventh Street, SW., Washington, D.C. 20590. Docket hours are from 8 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. Vernon Bloom, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, Washington, D.C. 20590 (202–426–2153)

SUPPLEMENTARY INFORMATION: Safety Standard No. 106, *Brake Hoses* (49 CFR 571.106), specifies a "whip test" for hose assemblies to measure fatigue resistance. General Motors Corporation petitioned the agency to amend the standard because of possible confusion between the NHTSA's Laboratory Procedures and the standard with respect to preparing brake hose assemblies for this "whip test".

The petition notes that the NHTSA Office of Standards Enforcement published a "Laboratory Procedure for Brake Hose Testing" (TP–106–03) in November 1975. Paragraph 10.5.2 of that procedure (Preparation for Whip Fatigue Test) states that: "All external appendages such as chafing collars, mounting brackets, date bands and spring guards shall be removed from the brake hose assembly prior to testing on the whip machine." Paragraph S6.3.2(a) of Safety Standard No. 106, by contrast, only specifies the following: "Remove hose armor and date band, if any." General Motors stated that this inconsistency might create confusion, and requested that the standard be amended to include all the items that are specified for removal in the Laboratory Procedure.

General Motors is particularly concerned that the standard does not specify mounting brackets are to be removed prior to conducting the test. The company uses mounting brackets in a number of brake hose applications as an aid to proper positioning of the hose on the vehicle. The petition stated that the requested amendement does not alter the integrity of the "whip test", but merely recognizes the practical necessity of removing external appendages prior to testing.

The agency hereby grants General Motors' petition, since it has tentatively been determined that the requested change should be made. As evidenced by the laboratory procedures that were established by the agency's Office of Standards Enforcement, the agency has intended that all external appendages be removed prior to conducting the "whip test". Since it is only the brake hose itself that is being tested for fatigue resistance, it is not necessary to have readily removable external components present during the test. Moreover, these external components could unnecessarily complicate the test procedure or cause problems (e.g., by becoming caught in the test apparatus). The agency does not believe that removing these components will in any way degrade the safety performance that is accomplished by this requirement (specific comment is requested on this issue, however). Therefore, this notice proposes to make the requested change.

The agency has determined that the proposed amendment would not qualify as a major regulation under Executive Order 12291 or as a significant regulation under the Department's Regulatory Policies and Procedures, since the proposal is a minor technical change.

The agency has also evaluated the proposed change under the National Environmental Policy Act and determined that the amendment would have no significant effect on the quality of the human environment.

The agency has reviewed the proposed amendment under the precepts of the Regulatory Flexibility Act and certifies that the modification would have no significant impact on small entities, including small businesses, small organizations, or small governmental units. Since this would only be a minor technical change in a test procedure, it would have no impact on small entities whatsoever.

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. Any claim of confidentiality must be supported by a statement demonstrating that the information falls within 5 U.S.C. 552(b)(4), and that disclosure of the information is likely to result in substantial competitive damage; specifying the period during which the information must be withheld to avoid that damage; and showing that earlier disclosure would result in that damage. In addition, the commenter or, in the case of a corporation, a responsible corporate official authorized to speak for the corporation must certify in writing that each item for which confidential treatment is requested is in fact confidential within the meaning of section 552(b)(4) and that a diligent search has been conducted by the commenter or its employees to assure that none of the specified items has previously been disclosed or otherwise become available to the public.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose, in the envelope with their comments, a self addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

In light of these considerations, this notice proposes to amend paragraph S6.3.2(a) of Safety Standard No. 106, *Brake Hoses* (49 CFR 571.106), to read as follows:

§ 571.106 Standard No. 106; brake hoses.

* * * * *

S6.3.2 *Preparation.*

(a) Remove all external appendages including, but not limited to, hose armor, chafing collars, mounting brackets, date bands and spring guards.

* * * * *

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on February 25, 1982.

Courtney M. Price,

Associate Administrator for Rulemaking.

[FR Doc. 82-8147 Filed 3-26-82; 8:45 am]

BILLING CODE 4910-59-M

Notices

Federal Register
Vol. 47, No. 60
Monday, March 29, 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.

DEPARTMENT OF AGRICULTURE

Economic Research Service

USDA's Economic Research Service Publications Now Available for a Fee

Effective May, 1982, the U.S. Department of Agriculture's Economic Research Service (ERS) will discontinue free distribution of its publications and make these reports available only on a paid subscription basis.

ERS will redirect funds formerly used in free distribution of publications to maintain its economic research and analysis program under a reduced budget. The alternative to cutting publication postage and production costs would have been to curtail basic research activities.

The subscription system will permit ERS to continue to publish information while reducing expenses. Interested organizations and individuals may purchase the reports through the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, or the National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Rd., Springfield, Va. 22161. ERS will continue to supply a limited number of free copies of its publications to official news media representatives, land grant universities, and certain other selected information outlets.

ERS will issue, periodically, a listing with description information of its current research publications and their prices. To be placed on the mailing list for ERS Research Abstracts or for details about subscribing to the ERS Outlook and Situation series, contact EMS Information, USDA, Room 440-GHI, Washington, D.C. 20250.

John Lee,

Acting Administrator.

[FR Doc. 82-8357 Filed 3-26-82; 8:45 am]

BILLING CODE 3410-18-M

COMMISSION ON CIVIL RIGHTS

Georgia Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Georgia Advisory Committee to the Commission will convene at 10 a.m., and will end at 1 p.m., on April 22, 1982, at the Atlanta Mariott Downtown, Courtland at International Boulevard, in the Whitehall Room, Atlanta, Georgia 30303. The purpose of this meeting is to conduct a press conference to release the Voting Rights report at 10, and to hold a regular Committee meeting at 11, to discuss the Bigotry and Violence study, and program planning for the remaining period of fiscal year 1982.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Clayton Sinclair, Jr., 301 Equitable Building, 100 Peachtree Street, Atlanta, Georgia 30303, (404) 681-0797 or the Southern Regional Office, Citizens Trust Bank Building, 75 Piedmont Avenue, North East, Room 362, Atlanta, Georgia 30303, (404) 221-4391.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., March 24, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-8323 Filed 3-26-82; 8:45 am]

BILLING CODE 6335-01-M

Mississippi Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Mississippi Advisory Committee to the Commission will convene at 10:00 a.m., and will end at 1:00 p.m., on April 22, 1982, at the Quality Inn, 225 East Capitol, in the Library, Jackson, Mississippi, 39205. The purpose of this meeting is to conduct a press conference at 10:00, to release the Voting Rights report, and at 11:00, hold a regular Committee meeting to discuss activities for the remaining period of fiscal year 1982.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mary L. Ramberg, 1514 Gay Street, Jackson, Mississippi 39211, (601) 355-1175 or the Southern Regional Office, Citizens Trust Bank Building, 75 Piedmont Avenue, North East, Room 362, 30303, (404) 221-4391.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., March 24, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-8324 Filed 3-26-82; 8:45 am]

BILLING CODE 6335-01-M

Utah Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Utah Advisory Committee to the Commission will convene at 7:00 p.m., and will end at 10:00 p.m., on April 21, 1982, at the Central City Multipurpose Center, 615 South Third East, Room 38, Salt Lake City, Utah. The purpose of this meeting is to discuss the progress of the Committee's project on affirmative action in the energy industry and plan for future programs.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Linda M. Dupont-Johnson, 2377 East Boyes, Salt Lake City, Utah, (801) 533-4060 or the Rocky Mountain Regional Office, Brook Towers, 1020 Fifteenth Street, Suite 2235, Denver, Colorado 80202, (303) 837-2211.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., March 24, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-8325 Filed 3-26-82; 8:45 am]

BILLING CODE 6335-01-M

Michigan Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Michigan Advisory

Committee to the Commission will convene at 5:30 p.m., and will end at 8:30 p.m., on April 20, 1982, at the Grand Rapids City Hall, 300 Monroe North West, Room 609, Grand Rapids, Michigan 49503. The purpose of this meeting is to discuss equality in educational funding; minorities' access to commercial lending, and affirmative action.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Dr. M. H. Reinstra, 1225 Thomas South East, Grand Rapids, Michigan, (616) 949–4000 or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois, 60604, (312) 353–7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 23, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-8212 Filed 3-26-82; 8:45 am]

BILLING CODE 6335-01-M

New Hampshire Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the New Hampshire Advisory Committee to the Commission will convene at 7:30 p.m., and will end at 9:30 p.m., on April 21, 1982, at the Federal Building, 275 Chestnut Street, on the Third Floor, Manchester, New Hampshire, 03103. The purpose of this meeting is to discuss program planning for the remaining period of fiscal year 1982.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, John Rose, Jr., Post Office Box 3216, Hartford, Connecticut, 06103, (203) 525–4700 or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts, 02110, (617) 223–4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 23, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-8213 Filed 3-26-82; 8:45 am]

BILLING CODE 6335-01-M

South Carolina Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the South Carolina Advisory Committee to the Commission will convene at 10:00 p.m., and will end at 2:00 p.m., on April 22, 1982, at the Holiday Inn, 630 Assembly, in the Conference Room, Columbia, South Carolina, 29201. The purpose of this meeting is to conduct a press conference to release the Voting Rights study on Alabama, Georgia, Mississippi, and South Carolina, at 10:00 a.m., and to hold a regular Committee meeting at 11:00 a.m., to discuss program planning for future projects.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Dr. Oscar P. Butler, Jr., Post Office Box 1705, South Carolina State College, Orangeburg, South Carolina, 29117, (803) 536–7040 or the Southern Regional Office, Citizens Trust Bank Building, 75 Piedmont Avenue, North East, Room 362, Atlanta, Georgia, 30303 (404) 221–4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 23, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-8211 Filed 3-26-82; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

National Advisory Committee on Oceans and Atmosphere; Independent Areas Task Force

AGENCY: Department of Commerce.

ACTION: Notice of Re-establishment of NACOA's Independent Areas Task Force.

SUMMARY: In accordance with the Federal Advisory Committee Act, 5 U.S.C. App. (1976) and OMB Circular A–63 (as revised) and after consultation with GSA, the Secretary has determined that the re-establishment of NACOA's Independent Areas Task Force is in the public interest in connection with the performance of duties imposed on the Department by law.

SUPPLEMENTARY INFORMATION: The Independent Areas Task Force (IATF) was first established by the Secretary of Commerce on June 30, 1980 to support a NACOA Panel in formulating national goals and objectives for the oceans for the future. NACOA has submitted to the President and the Congress the first of six reports prepared by the IATF.

The IATF will consist of approximately 10 NACOA members and 25 non-NACOA members. The non-NACOA members will be appointed by the Secretary on recommendations by NACOA to ensure balanced representation of interests, such as academia, business, industry, and other public interest groups, including consumer representatives.

The IATF will continue to function solely as an advisory committee, and in compliance with the Federal Advisory Committee Act. A copy of its charter will be filed under the Act.

FOR FURTHER INFORMATION CONTACT: Mr. Steven Anastasion, Executive Director, NACOA, 3300 Whitehaven Street, N.W., Washington, D.C. 20235, or Mrs. Yvonne Barnes, Committee Management Analyst, U.S. Department of Commerce, Washington, D.C. 20230.

Dated: March 23, 1982.

Dennis C. Boyd,

Executive Director for Information Resources Management.

[FR Doc. 82-8329 Filed 3-26-82; 8:45 am]

BILLING CODE 3510-12-M

Bureau of the Census

Census Advisory Committee of the American Statistical Association; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463 as amended by Pub. L. 94–409), notice is hereby given that the Census Advisory Committee of the American Statistical Association will convene on April 15 and 16, 1982. The Committee will meet in Room 2424, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee of the American Statistical Association was established in 1919. It advises the Director, Bureau of the Census, on the Bureau's programs as a whole and on their various parts, considers priority issues in the planning of censuses and surveys, examines guiding principles, advises on questions of policy and procedures, and responds to Bureau requests for opinions concerning its operations.

The Committee is composed of 15 members appointed by the President of the American Statistical Association.

The agenda for the April 15 meeting, which will begin at 1 p.m. and adjourn at 5:15 p.m., is: (1) Introductory remarks by the Director of the Bureau of the Census, including (a) staff changes and Bureau organization, (b) major budget and program developments, and (c) other topics of current interest; and (2) planning for the 1990 census including an overview and current activities, and a 1980 district managers' discussion.

The agenda for the April 16 meeting, which will begin at 9 a.m. and adjourn at 4:45 p.m., is: (1) Improvements in foreign trade statistics; (2) the enhancement of statistical computing at the Census Bureau including the nature of data processing at the Bureau; (3) development and discussion of Committee recommendations; (4) discussion with Census Bureau Staff of (a) Bureau responses to prior Committee recommendations, (b)(status of specific Bureau activities, and (c) Bureau activities described at earlier Committee meetings; and (5) recommendations, plans, and suggested agenda items for the next meeting.

The meeting will be open to the public, and a brief period will be set aside on April 16 for public comment and questions. Extensive questions or statements must be submitted in writing at least 3 days prior to the meeting.

Persons wishing additional information concerning this meeting or who wish to submit written statements may contact Dr. David W. Chapman, Bureau of the Census, Room 3540, Federal Building 3, Suitland, Maryland. (Mail address: Washington, D.C. 20233). Telephone (301) 763–1292.

Dated: March 23, 1982.

Bruce Chapman,

Director, Bureau of the Census.

[FR Doc. 82–8328 Filed 3–26–82; 8:45 am]

BILLING CODE 3510–07–M

International Trade Administration

Grants for Small Business International Marketing Programs

Correction

In FR Doc. 82–7866, published at page 12653, on Wednesday, March 24, 1982, on page 12654, in the third column, in the **"FOR FURTHER INFORMATION CONTACT:"** paragraph, in the fifth line "337–1212" should be corrected to read "377–1212".

BILLING CODE 1505–01–M

Numerically Controlled Machine Tool Technical Advisory Committee; Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Numerically Controlled Machine Tool Technical Advisory Committee was initially established on January 3, 1973, and rechartered on September 17, 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 numerically controlled machine tool or technology, and (D) exports of the aforementioned commodities subject to unilateral and multilateral controls which the United States establishes or in which it participates including proposed revisions of any such controls.

TIME AND PLACE: April 13, 1982, at 10:00 a.m. The meeting will take place at the Main Commerce Building, Room 3104, 14th Street and Constitution Ave., NW., Washington, D.C.

The Committee will meet only in Executive Session to discuss matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

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, 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 A. Cornejo, Committee Control Officer, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202–377–2583.

Dated: March 24, 1982.

Vincent F. DeCain,

Acting Director, Office of Export Administration.

[FR Doc. 82–8355 Filed 3–26–82; 8:45 am]

BILLING CODE 3510–25–M

Petitions by Producing Firms for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions have been accepted for filing from the following firms: (1) Kenasco Corporation, P.O. Box 390, Prosser, Washington 99350, producer of food-processing equipment (accepted February 24, 1982); (2) Satralloy, Inc., P.O. Box 536, Steubenville, Ohio 43952, producer of ferroalloys (accepted February 26, 1982); (3) Sportcaster Company, Inc., P.O. Box 4000, Pioneer Square Station, Seattle, Washington 98104, producer of men's, women's and children's jackets, pants and other skiwear; uniforms, sports bags and backpacks (accepted March 2, 1982); (4) Dodgen Industries, Inc., Highway 169 North, Humboldt, Iowa 50548, producer of recreational and commercial vehicles, trailers, and truck bodies (accepted March 2, 1982); (5) The Monte Glove Company, Box 409, Maben, Mississippi 39750, producer of work gloves (accepted March 5, 1982); (6) Audionics, Inc., 934 NE 24th Street, Portland, Oregon 97232, producer of sound equipment (accepted March 5, 1982); (7) Major Safe Company, Inc., 3600 East Olympic Boulevard, Los Angeles, California 90023, producer of steel chests and safes (accepted March 9, 1982); (8) Designskill, Inc., 16539 South Main Street, Gardena, California 90248, producer of household furniture (accepted March 12, 1982); (9) Eagle Rock Manufacturing Company, Inc., 620 Franklin Avenue, Baltimore, Maryland 21221, producer of men's pants and shorts (accepted March 12, 1982); (10) Botany '500', 2700 North Broad Street, Philadelphia, Pennsylvania 19132, producer of men's suits and coats (accepted March 15, 1982); (11) MRL Manufacturing Corporation, P.O. Box 475, 5 Fir Court, Oakland, New Jersey 07436, producer of industrial fasteners (accepted March 16, 1982); (12) Ljutic Industries, Inc., P.O. Box 2117, Yakima, Washington 98907, producer of shotguns and accessories (accepted March 16, 1982); (13) Fair Lawn Fashions, Inc., 1424 E. Elizabeth Avenue, Linden, New Jersey 07036, producer of women's dresses, blouses and skirts (accepted March 16, 1982); (14) Maplewood Manufacturing Company, Inc., 62 County Street, Fall River, Massachusetts 02723, producer of women's coats and jackets (accepted March 16, 1982); (15) Keller Glove Manufacturing Company, Inc., Plumsteadville, Pennsylvania 18949, producer of work gloves and terry cloth (accepted March 17, 1982); (16) Accurate Casting Company, Inc., 5–20 46th Road, Long Island City, New York 11101,

producer of metal castings, including lamp parts, trophies and belt buckles (accepted March 17, 1982); and (17) Bedford Manufacturing Corporation, 311 Pleasant Street, Fall River, Massachusetts 02722, producer of women's dresses, blouses, skirts, pants and jackets (accepted March 18, 1982).

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93–618) and § 315.23 of the Trade Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Director, Certification Division, Office of Trade Adjustment Assistance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalog of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.309, Trade Adjustment Assistance. Inasfar as this notice involves petitions for determination of eligibility under the Trade Act of 1974, the requirements of Office of Management and Budget Circular No. A–95 regarding review by clearinghouse do not apply.

Jack W. Osburn, Jr.,

Director, Certification Division, Office of Trade Adjustment Assistance.

[FR Doc. 82-8360 Filed 3-26-82; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Per Diem, Travel and Transportation Allowance Committee

AGENCY: Per Diem, Travel and Transportation Allowance Committee, DOD.

ACTION: Publication of Changes in Per Diem Rates.

SUMMARY: The Per Diem, Travel and Transportation Allowance Committee is publishing Civilian Personnel Per Diem Bulletin Number 110. This bulletin lists changes in per diem rates prescribed for U.S. Government employees for official travel in Alaska, Hawaii, Puerto Rico and possessions of the United States. Bulletin Number 110 is being published in the **Federal Register** to assure that travelers are paid per diem at the most current rates.

EFFECTIVE DATE: March 19, 1982.

SUPPLEMENTARY INFORMATION: This document gives notice of changes in per diem rates prescribed by the Per Diem, Travel and Transportation Allowance Committee for non-foreign areas outside the continental United States. Distribution of Civilian Per Diem Bulletins by mail was discontinued effective June 1, 1979. Per Diem Bulletins published periodically in the **Federal Register** now constitute the only notification of changes in per diem rates to agencies and establishments outside the Department of Defense.

The text of the Bulletin follows:

Civilian Personnel Per Diem Bulletin Number 110 to the Heads of Executive Departments and Establishments

Subject: Table of maximum per diem rates in lieu of subsistence for United States Government civilian officers and employees for official travel in Alaska, Hawaii, the Commonwealth of Puerto Rico and possessions of the United States

1. This bulletin is issued in accordance with Memorandum for Heads of Executive Departments and Establishments from the Deputy Secretary of Defense August 17, 1966, "Executive Order 11294, August 4, 1966 Delegating Certain Authority of the President to Establish Maximum Per Diem Rates for Government Civilian Personnel in Travel Status," in which this Committee is directed to exercise the authority of the President (5 U.S.C. 5702(a)(2)) delegated to the Secretary of Defense for Alaska, Hawaii, the Commonwealth of Puerto Rico, the Canal Zone and possessions of the United States. When appropriate and in accordance with regulations issued by competent authority, lesser rates may be prescribed.

2. The maximum per diem rates shown in the following table are continued from the preceding Bulletin Number 109 except in the case identified by an asterisk which rate is effective on the date of this Bulletin. The date of this Bulletin shall be the date the last signature is affixed hereto.

3. Each Department or Establishment subject to these rates shall take appropriate action to disseminate the contents of this Bulletin to the appropriate headquarters and field agencies affected thereby.

4. The maximum per diem rates referred to in this Bulletin are:

Locality	Maximum rate
Alaska:	
Adak [1]	$12.60
Anaktuvuk Pass	140.00
Anchorage	89.00
Barrow	169.00
Bethel	114.00
College	97.00
Cordova	89.00
Deadhorse	107.00
Dillingham	103.00
Dutch Harbor	82.00
Eielson AFB	97.00
Elmendorf	89.00
Fairbanks	97.00
Ft. Richardson	89.00
Ft. Wainwright	97.00
Juneau	97.00
Ketchikan	96.00
Kodiak	103.00
Kotzebue	109.00
Murphy Dome	97.00
Noatak	109.00
Nome	110.00
Noorvik	109.00
Petersburg	96.00
Point Hope*	100.00
Prudhoe Bay	107.00
Shemya AFB [1]	11.00
Shungnak	109.00
Sitka-Mt. Edgecombe	96.00
Skagway	96.00
Spruce Cape	103.00
Tanana	110.00
Valdez	93.00
Wainwright	79.00
Wrangell	96.00
All other localities	83.00
American Samoa	65.00
Guam M.I.	67.00
Hawaii:	
Oahu	84.00
All other localities	65.00
Johnston Atoll [2]	16.75
Midway Islands [1]	12.60
Puerto Rico:	
Bayamon:	
12-16—5-15	119.00
5-16—12-15	88.00
Carolina:	
12-16—5-15	119.00
5-16—12-15	88.00
Fajardo (including Luquillo):	
12-16—5-15	119.00
5-16—12-15	88.00
Ft. Buchanan (including GSA Service Center, Guaynabo):	
12-16—5-15	119.00
5-16—12-15	88.00
Ponce (including Ft. Allen NCS)	70.00
Roosevelt Roads:	
12-16—5-15	119.00
5-16—12-15	88.00
Sabana Seca:	
12-16—5-15	119.00
5-16—12-15	88.00
San Juan (including San Juan Coast Guard Units):	
12-16—5-15	119.00
5-16—12-15	88.00
All other localities	77.00
Virgin Islands of United States:	
12-1—4-30	102.00
5-1—11-30	82.00
Wake Island [2]	15.00
All other localities	20.00

[1] Commercial facilities are not available. This per diem rate covers charges for meals in available facilities plus an additional allowance for incidental expenses and will be increased by the amount paid for Government quarters by the traveler.

[2] Commercial facilities are not available. Only Government-owned and contractor operated quarters and mess are available at this locality. This per diem rate is the amount necessary to defray the cost of lodging, meals and incidental expenses.

March 22, 1982.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc. 82-8107 Filed 3-26-82; 8:45 am]

BILLING CODE 3810-01-M

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

Working Group A (Mainly Microwave Devices) of the DoD Advisory Group on Electronic Devices (AGED) will meet in closed session on April 29, 1982 at the Naval Postgraduate School, Ingersoll Hall, Rm. 360A, Monterey, California 93940.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. This microwave device area includes programs on developments and research related to microwave tubes, solid state microwave, electronic warfare devices, millimeter wave devices, and passive devices. The review will include classified program details throughout.

In accordance with 5 U.S.C. App 1, 10(d)(1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552(b)(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

March 24, 1982.

[FR Doc. 82-8368 Filed 3-26-82; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER80-373-000 and ER80-549-000]

Arkansas Power & Light Co.; Filing

March 22, 1982.

The filing Company submits the following:

Take notice that on March 17, 1982, Arkansas Power & Light Company submitted an informational filing with the Commission in accordance with the Power Coordination, Interchange and Transmission Service Agreements and the Settlement Agreement in Docket Nos. ER80-373 and ER80-549. The informational filing consists of redetermined formulary rates and informational schedules, containing cost of service data and supporting workpapers.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before April 2, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8251 Filed 3-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER80-603-001 et. al.]

Central Illinois Public Service Co.; Refund

March 23, 1982.

The filing Company submits the following:

Take notice that Central Illinois Public Service Company ("CIPS") on March 5, 1982, filed a Compliance Report concerning refunds made pursuant to the Commission's order approving settlement dated December 18, 1981 and a January 25, 1982 letter from the Acting Director, Office of Electric Power Regulation, notifying CIPS of acceptance of its revised rates for filing.

Copies of the relevant portions of the Compliance Report were served upon each refund customer, the Illinois Commerce Commission, and the respective State Commissions within whose jurisdiction each of the customers distribute and sell electric energy at retail.

Any person desiring to be heard or to protest this Compliance Report should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before April 9, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of the report are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8236 Filed 3-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-229-000]

Cities Service Gas Co.; Application

March 23, 1982.

Take notice that on March 4, 1982, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP82-229-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities in the South Welda storage field in Anderson County, Kansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant specifically proposes to construct and operate an additional 270 horsepower compressor unit and approximately 1.14 miles of 6-inch diameter pipeline and appurtenant facilities in the South Welda storage field so as to reinject storage gas into the storage field. It is stated that several oil producers have obtained leases to drill in the South Welda field and that the process of the operation of producing oil wells has caused stored gas to be withdrawn. Applicant submits that the producers have agreed to redeliver this gas to Applicant at no charge. Applicant explains that the gas must be compressed for Applicant to accept delivery and reinject it into the storage field.

Applicant states that in 1980 it installed a 270 horsepower compressor in the South Welda Field to compress this gas. Applicant submits that the gas being compressed is not new production from an existing source of supply; hence, the proposed facilities may not be covered under Applicant's budget-type authorization. Accordingly, Applicant requests authorization, if the Commission so determines, for the 270 horsepower compressor previously installed as well as for the additional compressor horsepower herein proposed.

The estimated cost of the proposed additional facilities is $134,390 with $5,991.51 per month rental on the compressor unit, it is stated. Applicant submits that said costs would be paid from treasury cash.

Any person desiring to be heard or to make any protest with reference to said

application should on or before April 13, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8266 Filed 3-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-201-000]

Cities Service Gas Co.; Application

March 23, 1982.

Take notice that on February 16, 1982, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP82-201-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline taps, measuring, regulating, and appurtenant facilities to enable Applicant to render interruptible natural gas service to six direct sale customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate the following facilities:

1. Tap Applicant's Chase Fuel System 6-inch transmission pipeline in Rice County, Kansas, and construct measuring, regulating, and appurtenant facilities for delivery of natural gas to Garvey International, Inc. Annual and peak day requirements would be 5,000 Mcf and 240 Mcf, respectively, at a base rate of $1.243.

2. Tap Applicant's Wichita-Ottawa 20-inch transmission pipeline in Butler County, Kansas, and construct measuring, regulating, and appurtenant facilities for delivery of natural gas to Bill L. Norris. Annual and peak day requirements would be 600 Mcf and 4 Mcf, respectively, at a base rate of $1.333.

3. Tap Applicant's Skelly 8-inch transmission pipeline in Oklahoma County, Oklahoma, and construct measuring, regulating, and appurtenant facilities for delivery of natural gas to Landscape Enterprises, Inc. Annual and peak day requirements would be 230 Mcf and 3 Mcf, respectively, at a base rate of $2.007.

4. Tap Applicant's Gordon Evans 16-inch transmission pipeline in Sedgwick County, Kansas, and construct measuring, regulating, and appurtenant facilities for delivery of natural gas to Walt Keeler Company, Inc. Annual and peak day requirements would be 22,500 Mcf and 68 Mcf, respectively, at a base rate of $1.243.

5. Tap Applicant's Burbank 12-inch transmission pipeline in Osage County, Oklahoma, and construct measuring, regulating, and appurtenant facilities for delivery of natural gas to Taylor Chevelet. Annual and peak day requirements would be 1,000 Mcf and 11 Mcf, respectively, at a base rate of $2.007.

6. Tap Applicant's Freeman 4-inch transmission pipeline in Cass County, Missouri, and construct measuring, regulating, and appurtenant facilities for delivery of natural gas to Public Water Supply District No. 7 of Cass County, Missouri. Annual and peak day requirements would be 1,500 Mcf and 7 Mcf, respectively, at a base rate of $2.017.

Applicant states that such sales would not significantly affect its overall gas supply and that such sales would not have any detrimental effect on existing customers.

Applicant asserts that the total cost of installing the proposed facilities would be $11,040 which would be paid from treasury cash.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 12, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8252 Filed 3-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-1-21-003 (PGA82-1a, IPR82-1 and AP82-1)]

Columbia Gas Transmission Corp., Proposed Changes in FERC Gas Tariff

March 22, 1982.

Take notice that Columbia Gas Transmission Corporation (Columbia) on March 16, 1982 tendered for filing proposed changes in its FERC Gas Tariff, Original Volume No. 1, as follows:

Substitute Seventy-ninth Revised Sheet No. 16
Substitute Twenty-seventh Revised Sheet No. 16A
Substitute Twenty-first Revised Sheet No. 64

Columbia states that the foregoing tariff sheets, to be effective March 1, 1982, are being filed in compliance with Ordering Paragraph (D) of the Commission's Order issued February 26, 1982, directing Columbia to reflect the downward modification of pipeline rates tracked in its original filing of January 29, 1982. The foregoing revision results in a reduction of $10,714,139 in its Gas Purchased Cost to be recovered over the six month period ending August 31, 1982.

Columbia further states that since the rates of Panhandle reflected in this revised filing are not its accepted March 1, 1982 rates, special permission is requested of the Commission to permit the instant rates to become effective March 1, 1982. In addition, Columbia seeks permission to reflect the effect of Panhandle's accepted March 1, 1982 rates in Columbia's Account 191.

Copies of the filing were served upon the Company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before April 1, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8267 Filed 3-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-204-000]

Columbia Gas Transmission Corp.; Application

March 23, 1982.

Take notice that on February 18, 1982, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP82-204-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to The Brooklyn Union Gas Company (Brooklyn Union), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell up to 5,000,000 dekatherms (dt) equivalent of natural gas per year at a maximum rate of 30,000 dt equivalent per day on a best-efforts basis to Brooklyn Union for a period through October 31, 1986, pursuant to a limited-term gas sales agreement dated May 15, 1981. Applicant indicates that the price Brooklyn Union would pay for all gas delivered by Applicant would be the higher of Applicant's Zone 6 Rate Schedule SR rate in effect at the time of Brooklyn Union's purchase or the maximum lawful price under Section 102 of the Natural Gas Policy Act of 1978.

Applicant asserts that it would deliver the gas sold to Brooklyn Union by reducing receipts from Texas Eastern Transmission Corporation (Texas Eastern) in Texas Eastern's Zone C and/or from Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) in Tennessee's Zone 3 or at such other delivery points as may be agreed to by Applicant and Brooklyn Union. Applicant explains that it would not be necessary for Applicant to construct any facilities to accomplish the deliveries of the gas proposed for sale herein.

Applicant asserts that the proposed arrangement arises out of the settlement between Applicant and Brooklyn Union, *Brooklyn Union Gas Co.* v *Distrigas of Massachusetts Corp.*, No. 77-Civ-439 (E.D. N.Y., filed March 4, 1977).

Any person desiring to be heard or to make any protest with reference to said application should on or before April 14, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considerd by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will by duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8237 Filed 3-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES82-43-000]

Consumers Power Co.; Application

March 23, 1982.

Take notice that on March 15, 1982, Consumers filed an application for authorization to enter into a nuclear fuel leasing arrangement with Mid-Michigan Energy Company (MMEC), a Michigan corporation, organized solely for the purpose of receiving and holding title to nuclear fuel, leasing the fuel to Consumers, and making loans to Consumers to be evidenced by a Promissory Note maturing in less than 12 months. Consumers states that a similar nuclear fuel leasing arrangement with MMEC will expire on May 29, 1982. Accordingly, Consumers requests authority to be effective not later than May 29, 1982.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 6, 1982. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8238 Filed 3-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 2742-005]

Copper Valley Electric Association, Inc. and Alaska Power Authority; Application for Transfer of License

March 23, 1982.

Take notice that the Copper Valley Electric Association, Inc. and the Alaska Power Authority (Applicants) filed on March 5, 1982, an application for transfer of the license for the Solomon Gulch Hydroelectric Project No. 2742 from the Copper Valley Electric Association, Inc. to the Alaska Power Authority. The project is located on Solomon Gulch Creek near Valdez, Alaska. Applicants state that the Copper Valley Electric Association, Inc. will be given a contract to operate and maintain the project. Correspondence with the Applicants should be directed to: Eric Yould, Executive Director, Alaska Power Authority, 334 W. 5th Avenue, Anchorage, Alaska; and James P. Fillingame, Manager, Copper Valley Electric Association, Inc. Glennallen, Alaska.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before May 7, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8239 Filed 3-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP81-189-002]

Delhi Gas Pipeline Corp.; Petition To Amend

March 23, 1982.

Take notice that on March 5, 1982, Delhi Gas Pipeline Corporation (Petitioner), Fidelity Union Tower, Dallas, Texas 75201, filed in Docket No. CP81-189-002 a petition to amend the order issued February 22, 1982, in Docket Nos. CP81-189-000, CP81-189-001, and CP81-190-000 pursuant to Section 284.127 of the Commission's Regulations so as to authorize the transportation of additional gas reserves of up to 40,000 Mcf per day for the remaining term of the transaction, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that pursuant to a transportation agreement dated February 15, 1979, it agreed to receive natural gas at various points of delivery and to redeliver such gas to Transcontinental Gas Pipe Line Corporation (Transco) at delivery points in Webb, Zapata, and La Salle Counties, Texas. Petitioner submits that the estimated daily and total deliveries were determined to be 20,000 Mcf and 146,000,000 Mcf, respectively. Petitioner further states that by order issued February 22, 1982, it was authorized to transport a total of 146,000,000 Mcf of gas at a daily rate of 20,000 Mcf, for a twenty-year term. Petitioner proposes herein to transport 40,000 Mcf of natural gas a day for Transco with total estimated volumes to be delivered over the remaining term of the twenty-year transaction of 279,200,000 Mcf.

Petitioner states that no additional facilities are required to effectuate the transportation of natural gas proposed herein.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 12, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8253 Filed 3-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1998-000]

Alfred W. Eames, Jr.; Application

March 23, 1982.

The filing individual submits the following:

Take notice that on March 15, 1982, Alfred W. Eames, Jr. filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Director:

Pacific Gas and Electric Company

Director:

Fireman's Fund Insurance Company

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 15, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8240 Filed 3-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-1-23-001]

Eastern Shore Natural Gas Co.; Tariff Filing

March 22, 1982.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on March 15, 1982, tendered for filing the following revised tariff sheets to

Original Volume No. 1 of Eastern Shore's FERC Gas Tariff:

To Be Effective March 1, 1982:
Revised Twentieth Revised Sheet No. 5
Revised Twentieth Revised Sheet No. 6
Revised Twentieth Revised Sheet No. 10
Revised Twentieth Revised Sheet No. 11
Revised Twentieth Revised Sheet No. 12

Eastern Shore states that the purpose of the revised filing is to comply with the Commission's Order issued February 26, 1982. Such Order directs Eastern Shore to submit revised rates reflecting a surcharge adjustment based on the proper Account 191 balance, utilizing proper six month subaccounts as required by Part 201 of the Uniform System of Accounts of the Regulations (Account 191(D)).

Eastern Shore states that copies of the filing have been mailed to each of its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before Apr. 1, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8268 Filed 3-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP74-280-000]

El Paso Natural Gas Co.; Petition To Vacate Order in Part

March 23, 1982.

Take notice that on March 1, 1982, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP74-280-000 pursuant to § 1.7 of the Commission's Rules of Practice and Procedure a petition to vacate in part the order issued August 26, 1974,[1] in the instant docket so as to permit El Paso to retain in natural gas service certain existing pipeline facilities as part of El Paso's interstate transmission system, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

El Paso states that by order issued August 26, 1974, in the instant docket it received permission and approval pursuant to Section 7(b) of the Natual Gas Act to abandon in place certain existing mainline pipeline facilities and to abandon by removal and salvage certain compression facilities situated in Culbertson, El Paso and Hudspeth Counties, Texas, and Eddy and Lea Counties, New Mexico, inasmuch as such facilities were determined by El Paso to be no longer required in El Paso's interstate operations. Specifically, El Paso proposed to abandon a total of approximately 180.8 miles of 16-inch O.D. pipeline and one 1,068 horsepower compressor unit and upon abandonment transfer the subject pipeline facilities to Mesquite Pipeline Company (Mesquite).

El Paso states that it participated in certain negotiations with Southern Union Gas Company (Southern Union) and others to explore the utilization of El Paso's excess pipeline facilities particularly in the area extending between Jal, New Mexico, and El Paso, Texas, for the transportation of refined liquid products anticipated to be purchased for resale by Southern Union. After negotiations and discussions, it is asserted, El Paso concluded that the project was unworkable and the pipeline facilities were never transferred to Mesquite and removed from gas service.

Since El Paso's pipeline facilities remained in place and available for operation as a part of El Paso's interstate operations during a period of successful natural gas supply acquisition efforts, El Paso has continually utilized said facilities and now projects that such facilities would not be excess to its overall operations in the foreseeable future. El Paso states that it does not now intend to abandon the 180.8 miles of 16-inch O.D. pipeline facilities authorized in this proceeding. It has, however, abandoned the one 1,068 horsepower compressor unit as of February 18, 1977, it is submitted.

Any person desiring to be heard or to make any protest with reference to said petition should on or before April 12, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8254 Filed 3-26-82; 8:45 am]

BILLING CODE 6717-01-M

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

[Project No. 3819-001]

Energenics Systems, Inc.; Application for License (5 mW or Less)

March 25, 1982.

Take notice that Energenics Systems, Inc. (Applicant) filed on February 22, 1982, an application for license (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for construction and operation of a water power project to be known as Mt. Elbert Water Power Project No. 3819. The project would be located on the Mt. Elbert Conduit in Lake County, Colorado. Correspondence with the Applicant should be directed to: Thomas H. Clarke, Jr., President, Energenics Systems, Inc., 1717 K Street, N.W., Suite 706, Washington, D.C. 20006. This application was filed during the term of Applicant's preliminary permit for Project No. 3819.

Project Description—The proposed project would utilize the Bureau of Reclamation's Mt. Elbert Conduit and would consist of: (1) A bifurcation with a butterfly valve to be installed in the conduit upstream from valve structure No. 1; (2) a new 72-inch diameter and 153-foot-long penstock; (3) a new powerhouse with an installed capacity of 2,800 kW; (4) a new 90-inch-diameter tailrace to return flow to the conduit via another proposed bifurcation with a butterfly valve; (5) a new transmission line about 350 feet long; and (6) other appurtenances. Applicant estimates the annual generation would average about 7,000,000 kWh.

Purpose of Project—Project energy would be sold to the Public Service Company of Colorado.

Agency Comment—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88-29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 3, 1982, either the competing application itself (See 18 CFR 4.33 (a) and (d)) or a notice of intent (See 18 CFR 4.33 (b) and (c)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c) or § 4.101 et seq. (1981).

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before June 3, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8219 Filed 3-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6024-000]

Energenics Systems, Inc.; Application for Preliminary Permit

March 25, 1982.

Take notice that Energenics Systems, Inc. (Applicant) filed on February 25, 1982 an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 6024 to be known as the Willow Creek Hydroelectric Project located on Willow Creek in Lewis & Clark County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, Energenics Systems, Inc., 1716 K St., NW., Suite 706, Washington, D.C. 20006.

Project Description—The proposed project would consist of (1) a 4-foot diameter, 590-foot long penstock connected to the existing outlet tunnel of the Bureau of Reclamation's Willow Creek Dam and (2) a powerhouse containing two generating units with a total rated capacity of 1.1 MW and an estimated annual average energy output of 7 Gwh. The entire project will be located on U.S. lands under the jurisdiction of the Bureau of Reclamation.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant has requested a 36-month permit period. During this time an investigation of the engineering and environmental aspects of the project will be conducted as well as consultation with Federal, State, and local agencies. The estimated cost of the above activities is $35,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before July 6, 1982, the competing application itself (see: 18 CFR 4.30 et seq. (1981)). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before June 3, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before June 3, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8220 Filed 3-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-391-000]

Florida Power & Light Co.; Filing

March 23, 1982.

The filing Company submits the following:

Take notice that Florida Power & Light Company (FPL) on March 18, 1982, tendered for filing an executed Agreement, entitled "Service Agreement For the Supply of Wholesale Electric Power Service to Muncipalities and Rural Electric Cooperatives," for service

to the City of Green Cove Springs, Florida.

FPL states that under the Agreement, FPL will sell and deliver, and the City of Green Cove Springs will purchase and receive, all of the electric power and energy required by Green Cove Springs at existing or future established delivery points.

FPL requests an effective date for this Agreement of March 29, 1982. According to FPL, copies of the filing were served upon the City Manager of Green Cove Springs.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before April 9, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8241 Filed 3-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5927-000]

Goose Creek Hydro Associates; Application for Preliminary Permit

March 24, 1982.

Take notice that Goose Creek Hydro Associates (Applicant) filed on January 29, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5927 to be known as the Goose Creek Project located on Goose Creek near Leesburg, in Loudoun County, Virginia. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Wayne L. Rodgers, President, Synergics, Inc., 1444 Foxwood Court, Annapolis, Maryland 21401.

Project Description—The proposed run-of-the-river project would consist of: (1) The existing Goose Creek dam, a 715-foot long and 40-foot high concrete gravity structure owned by the city of Fairfax, Virginia; (2) an existing reservoir with a surface area of 45 acres and estimated storage capacity of 613 acre-feet with the surface at spillway crest elevation 262 feet m.s.l.; (3) a new intake structure; (4) a new powerhouse with an installed capacity of 600 kW; (5) a new tailrace; and (6) other appurtenances. Estimated annual generation would be 2,500,000 kWh, and project energy is proposed to be marketed to the Virginia Electric Power Company.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 18 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $36,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before June 28, 1982, the competing application itself (see: 18 CFR 4.30 et seq. (1981)). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before May 28, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before May 28, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8242 Filed 3-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4306-001]

City of Hibbing, Minn.; Application for License (5 mw or Less)

March 25, 1982.

Take notice that the city of Hibbing, Minnesota (Applicant) filed on September 23, 1981, an application for license (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for construction and operation of a water power project to be known as Mississippi River Lock and Dam No. 2 Project No. 4306. The project would be located on the Mississippi River in Dakota County, Minnesota. Correspondence with the Applicant should be directed to: Mr. Joseph A. Vumbaco, General Manager, Public Utilities Commission, City of Hibbing, 19th St., and 6th Avenue East, Hibbing, Minnesota 55746, and Mr. Peter C. Kissel, Esq., Lawrence Roscher, Esq., O'Connor & Hannon, 1919 Pennsylvania Avenue, N.W., Washington, D.C. 20006.

Project Description—The proposed project would consist of: (1) A proposed powerhouse containing 4 generating units rated at 1,000 kW each; (2) a proposed 12,470 volt transmission line; (3) proposed intake structures; and (4) appurtenant facilities. The Applicant would utilize a government dam owned

by the U.S. Army Corps of Engineers. The estimated average annual energy output is 27,000 MWh.

Purpose of Project—The power generated at the project will be utilized by the Hibbing Public Utility Commission to meet a part of the capacity and energy requirements of its electric utility system.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 14, 1982, either the competing application itself (See 18 CFR 4.33 (a) and (d)) or a notice of intent (See 18 CFR 4.33 (b) and (c)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c) or § 4.101 et. seq. (1981).

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before June 14, 1982.

Filing and Service of Responsive Documents—Any filing must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8218 Filed 3-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5883-000]

Homestake Consulting & Investments, Inc.; Application for Preliminary Permit

March 25, 1982.

Take notice that Homestake Consulting & Investments, Inc. (Applicant) filed on January 15, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5883 to be known as the Resort Creek Water Power Project located on Resort Creek in Kittitas County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Delp, II, Independent Power Developers, Inc., P.O. Box 1467, Noxon, Montana 59853.

Project Description—The proposed project would consist of: (1) A proposed minor diversionary barrier, 3 feet in height, and impounding no more than 0.25 acre-feet of water; (2) an intake orifice approximately 10 sq. feet in size; (3) a settling tank having 480 cubic feet capacity; (4) a 3,600-foot long penstock; (5) a powerhouse containing two turbine generators with a combined installed capacity of 350 kW; (6) proposed transmission lines; and (7) appurtenant facilities. The Applicant estimates that the average annual energy output would be 1,447,600 kWh. The proposed project is located partly on the Wenatchee National Forest.

Purpose of Project—Power at the proposed project would be sold to Kittitas County Public Utility District.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 18 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, state, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates the cost of the studies would be $3,196.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before June 2, 1982, the competing application itself, or a notice of intent to file such an application (see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81–15, issued October 29, 1981, 46 FR 55245, November 9, 1981.)

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before June 2, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than August 2, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before June 2, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all

capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8221 Filed 3-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5879-000]

Homestake Consulting & Investments, Inc., Application for Preliminary Permit

March 25, 1982.

Take notice that Homestake Consulting & Investments, Inc. (Applicant) filed on January 15, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 5879 to be known as the upper Berry Creek Water Power project located on Berry Creek in Bonner County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Delp, II, Independent Power Developers, Inc., P.O. Box 1467, Noxon, Montana 59853.

Project Description—The proposed project would consist of: (1) A proposed minor diversionary barrier, 3 feet in height, and impounding no more than 0.25 acre feet of water; (2) an intake orifice approximately 10 sq. feet in size; (3) a settling tank having 480 cubic feet capacity; (4) a 3,800-foot long penstock; (5) a powerhouse containing two turbine generators with a combined installed capacity of 200 kW; (6) proposed transmission lines; and (7) appurtenant facilities. The proposed project is not located on Federal lands. The Applicant estimates that the average annual energy output would be 902,700 kWh.

Purpose of Project—Power at the proposed project would be sold to Pacific Power & Light Company.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 18 months, during which time studies would be made to determine the engineering, environmental, and economic feasibilty of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, state, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates the cost of the studies would be $3,460.00.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before June 7, 1982 the competing application itself, or a notice of intent to file such an application (see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81-15, issued October 29, 1981, 46 FR 55245, November 9, 1981.)

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to te Commission on or before June 7, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or § 4.101 et seq. (1981), as appropriate).

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than August 9, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before June 7, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT OF FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8222 Filed 3-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-388-000]

Indianapolis Power & Light Co.; Filing

March 23, 1982.

The filing Company submits the following:

Take notice that Indianapolis Power & Light Company (Indianapolis) on March 16, 1982, tendered for filing Amendment No. 7 to the Kentucky-Indiana Pool Planning and Operating Agreement between East Kentucky Power Cooperative, Inc., Indianapolis, Kentucky Utilities Company and Public Service Company of Indiana, Inc., to become effective upon acceptance for filing by this Commission.

Indianapolis states that said Amendment No. 7 increases the demand charge for Back-Up Power and Short Term Power from $0.85 per kilowatt per week to $1.05 per kilowatt per week.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests

should be filed on or before April 8, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8243 Filed 3-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 2743-001]

Kodiak Electric Association, Inc. and Alaska Power Authority; Application for Transfer of License

March 23, 1982.

Take notice that the Kodiak Electric Association, Inc. and the Alaska Power Authority (Applicants) filed on March 5, 1982, an application for transfer of the license for the Terror Lake Hydroelectric Project No. 2743 from the Kodiak Electric Association, Inc. to the Alaska Power Authority. The project is located on the Terror River in the Kodiak Island Borough, Alaska. Applicants state that the Kodiak Electric Association, Inc. will be given a contract to operate and maintain the project. Correspondence with the Applicants should be directed to: Eric Yould, Executive Director, Alaska Power Authority, 334 W. 5th Avenue, Anchorage, Alaska; and David Nease, Kodiak Electric Association, Inc., P.O. Box 787, Kodiak, Alaska.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before May 10 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8245 Filed 3-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-217-000]

Michigan Wisconsin Pipe Line Co.; Application

March 23, 1982.

Take notice that on February 26, 1982, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP82-217-000 and application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of pipeline and related facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Applicant has acquired the preferential right to purchase 100 percent of the gas reserves underlying High Island area Block A-315, South Extension, offshore Texas. Applicant proposes to connect the gas reserves underlying Block A-315 by constructing and operating lateral pipeline facilities necessary to connect the production platform in such block to an undersea valve located on the central leg of the pipeline facilities of High Island Offshore System in High Island area Block A-316.

It is stated that the lateral pipeline facilities would comprise 3.5 miles of 10¾-inch line and would include measurement facilities which would be located on the Block A-315 production platform. The estimated cost of the proposed facilities is $5,986,430 to be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 12, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8255 Filed 3-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. 1D-1997-000]

Frederick W. Mielke, Jr.; Application

March 23, 1982.

The filing individual submits the following:

Take notice that on March 15, 1982, Frederick W. Mielke, Jr. filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Director, Chairman—Board of Directors, Chief Executive Officer:
Pacific Gas and Electric Company

Director:
Fireman's Fund Insurance Company

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the

Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protest should be filed on or before April 15, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8244 Filed 3-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5872-000]

Millenium Power, Inc., Application for Exemption for Small Hydroelectric Power Project Under 5 mw Capacity

March 25, 1982.

Take notice that on Janaury 13, 1982, Millenium Power, Inc. (Applicant) filed an application under section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (FERC Project No. 5872) would be located on the Salmon Falls River at Milton, in Strafford, County, New Hampshire, and at the Town of Acton, in York County, Maine. Correspondence with the Applicant should be directed to: Mr. Grant Wilson, Treasurer & Director, Millenium Power, Inc., c/o MPM, Inc., 433 Marlborough Street, Boston, Massachusetts 02115.

Project Description—The proposed run-of-river Milton Mills Project would be comprised of three developments, the Rowe Dam, Waumbeck Dam, and Mill Dam sites.

Rowe Dam Development would consist of: (1) The existing Rowe Dam, a masonry structure 75 feet long and 10 feet high; (2) a reservoir with 20 acre-feet of storage capacity and a surface area of 6 acres at surface elevation 501 feet m.s.l.; (3) an existing intake/gate structure (to be rebuilt with new gates and trashracks); (4) a new powerhouse with an installed capacity of 90 kW and estimated annual generation of 370,000 kWh; (5) a new submarine transmission cable about 4,100 feet long connecting the powerhouse to the Waumbeck Dam powerhouse site downstream; and (6) other appurtenances.

Waumbeck Dam Development would consist of: (1) The existing Waumbeck Dam, a masonry structure 160 feet long and 16 feet high; (2) a reservoir of negligible storage capacity at surface elevation of 455 feet m.s.l.; kWh; (3) an existing intake/gate structure (to be rebuilt with new gates and trashracks); (4) a new penstock, 70 feet long; (5) a new powerhouse with an installed capacity of 98 kW and estimated annual generation of 475,000; (6) an existing tailrace about 150 feet long; (7) a new submarine transmission cable about 1,000 feet long connecting the powerhouse to the Mill Dam powerhouse site downstream; and (8) other appurtenances.

Mill Dam Development would consist of: (1) The existing Mill Dam, a masonry structure 80 feet long and 8 feet high; (2) a reservoir of negligible storage capacity of surface elevation 436 feet m.s.l.; (3) an existing intake/gate structure (to be rebuilt with new gates and trashracks); (4) a new penstock, 200 feet long; (5) an existing powerhouse area in the mill building basement having a newly installed capacity of 75 kW and estimated annual generation of 309,000 kWh; (6) an existing short tailrace; (7) a new underground transmission cable about 50 feet long; and (8) other appurtenances.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and projects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, the New Hampshire Department of Fish and Game, and the Maine Department of Environmental Protection are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If any agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before May 12, 1982, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before May 12, 1982.

Filing and Service of Responsive Documents—Any filings, must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, 825 North Capitol Street, NE., Washington, D.C. 20426. A copy of any notice of intent, competing

application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8223 Filed 3-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-215-000]

National Fuel Gas Supply Corp.; Application

March 23, 1982.

Take notice that on February 26, 1982, National Fuel Gas Supply Corporation (Applicant), 10 Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP82-215-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the addition of a new delivery point for the transportation and sale of natural gas to an existing wholesale customer, all as more fully set forth in the application which in on file with the Commission and open to public inspection.

Applicant proposes herein to construct and operate an interconnecting tap and measuring facility to provide an additional point of delivery located in Elk County, Pennsylvania, to National Fuel Gas Distribution Corporation (Distribution), an existing wholesale customer. Applicant states that Distribution has requested this new point of delivery in order to provide service to the Elk Haven Industrial Park.

It is stated that the volumes to be provided through this new point of delivery are within Applicant's currently authorized level of sales. The total estimated cost of the proposed interconnection is $21,000 to be financed from internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 12, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8, on 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8256 Filed 3-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP81-126-003, et al.]

National Fuel Gas Supply Corp., et al.; Filing of Pipeline Refund Reports and Refund Plans

March 22, 1982.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before April 6, 1982. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

APPENDIX

Filing date	Company	Docket No.	Type Filing
Mar. 12, 1982	National Fuel Gas Supply Corp.	RP81-126-003	LFUT Report.
Mar. 15, 1982	Columbia Gas Transmission Corp.	RP81-117-004	LFUT Report.
Do	East Tennessee Natural Gas Co.	RP82-22-001	LFUT Report.
Do	Mid-Louisiana Gas Co.	RP81-106-002	LFUT Report.
Do	Midwestern Gas Transmission Co.	RP82-23-001	LFUT Report.
Do	Mississippi River Transmission Corp.	RP81-129-003	LFUT Report.
Do	Mississippi River Transmission Corp.	RP81-129-004	LFUT Report.
Do	Natural Gas Pipe Line Co. of America	RP81-120-002	LFUT Report.
Do	Northern Natural Gas Co.	RP81-110-002	LFUT Report.
Do	Texas Eastern Transmission Corp.	RP81-121-002	LFUT Report.

[FR Doc. 82-8269 Filed 3-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-222-000]

Natural Gas Pipeline Company of America; Application

March 23, 1982.

Take notice that on March 2, 1982, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP82-222-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for El Paso Natural Gas Company (El Paso) and the construction and operation of certain natural gas facilities necessary therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a gas transportation agreement dated January 13, 1982, Applicant proposes to accept gas for El Paso's account at a proposed point of connection between Applicant and El Paso in Washita County, Oklahoma (transporter receipt point) and to redeliver equivalent volumes to El Paso at a existing point of interconnection in Lea County, New Mexico. Applicant states that under such agreement, it would transport up to 100 billion Btu of gas per day on a firm basis (demand quantity) and up to 25 billion Btu of gas per day on a best-efforts basis (overrun gas). It is asserted that the parties have also agreed that during the initial five years of the ten-year term of the

agreement El Paso would have one option to increase the demand quantity up to a maximum of 200 billion Btu of gas per day and, accordingly, Applicant would also transport up to 50 billion Btu of gas per day on a best-efforts basis. It is further asserted that Applicant would reduce volumes redelivered to El Paso to reflect fuel gas and unaccounted for gas.

For such transportation service, Applicant proposes to charge El Paso a monthly transportation demand charge equal to $6.90 times the demand quantity. Applicant further states that in addition to the transportation demand charges El Paso would pay Applicant a monthly commodity charge of 22.7 cents per million Btu of gas for overrun gas delivered at the transporter receipt point.

It is submitted that in Docket No. CP82–50–000 Applicant requested authorization to construct and operate certain facilities in the Anadarko Area of Texas and Oklahoma in order to transport gas from the Anadarko Area for redelivery initially in South Louisiana and subsequently in Custer County, Oklahoma, as well for United Gas Pipe Line Company, Southern Natural Gas Company, Texas Gas Transmission Corporation, and Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (the Trans-Anadarko Shippers).

Applicant further proposes to construct and operate the following facilities for the receipt and redelivery of El Paso's gas on the assumption that the facilities proposed by Applicant in Docket No. CP82–50–000 have been certificated:

(1) Approximately 3,500 horsepower of compression at Applicant's proposed Station No. 153 in Beckham County, Oklahoma, and relocated to Applicant's Compressor Station No. 154 in Gray County, Texas, when Applicant commences redeliveries in Custer County, Oklahoma, for the Trans-Anadarko Shippers in Docket No. CP82–50–000;

(2) Retention of Compressor Station 139 as a permanent facility;

(3) Retention and operation of facilities installed to implement a short-term, best-efforts transportation service for El Paso; and

(4) Other appurtenant facilities including additional tap and meter facilities for the receipt and redelivery of the gas, the replacement of the compressor impellers on five existing units, two at Station 154, two at Station 111 and one at Station 139, and modification of piping and controls at Stations 111, 191, 167, 168, and 169. It is asserted that such modifications of piping and controls would allow Applicant to use five existing compressors at Station 111 for service on the Oklahoma extension and to reverse flow at Stations 191, 167, 168 and 169.

Applicant further asserts that the proposed facilities in addition to those proposed in Docket No. CP82–50–000 would allow firm redelivery of up to 100 billion Btu of gas per day for El Paso in Lea County, New Mexico, in addition to transporting the volumes specified in Docket No. CP82–50–000 for the Trans-Anadarko Shippers.

Applicant estimates the cost of constructing such facilities to be approximately $5,036,000 which would be financed initially with funds on hand, issuance of comercial paper, use of existing bank lines of credit or other interim financing arrangements as may be negotiated. Applicant states that permanent financing would subsequently be undertaken as part of Applicant's overall long-term financing program.

In the event that the facilities proposed in Docket No. CP82–50–000 have not yet been certificated when the Commission authorizes the subject proposal Applicant proposes in the alternative to construct and operate 12.85 miles of 30-inch pipeline loop in Beckham County, Oklahoma, and Gray County, Texas, in lieu of the previously mentioned compression station of approximately 3,500 horsepower in Beckham County, Oklahoma, with all other facilities including tap and meter facilities impeller changes and piping modifications remaining as described above. Applicant estimates the cost of the proposal in the alternative to be approximately $9,625,000.

Applicant asserts that additional facilities may be necessary if El Paso exercises its option to increase the demand quantities from 100 billion Btu per day to 200 billion Btu per day and if so such facilities would be the subject of future applications.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 13, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–8270 Filed 3–26–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP82–218–000]

Natural Gas Pipeline Company of America; Application

March 23, 1982.

Take notice that on March 1, 1982, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP82–218–000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain gas purchase facilities located in the Genoa Field, Miller County, Arkansas, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Applicant proposes to abandon a 3-inch meter station, 660 feet of 3-inch lateral and related appurtenant facilities which were installed to receive gas purchased from Callon Petroleum Company in the Genoa Field, Miller County, Arkansas. Applicant submits that there are no remaining salable, recoverable reserves that can be produced from the wells connected to such facilities. It is asserted that production from the wells terminated on April 13, 1980, due to depletion of reserves.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 12,

1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8257 Filed 3-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP71-50-002]

Natural Gas Pipeline Company of America, Petition To Amend

March 23, 1982.

Take notice that on March 5, 1982, Natural Gas Pipeline Company of America (Petitioner), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP71-50-002 a petition pursuant to section 7(c) of the Natural Gas Act to amend the order issued December 7, 1970 [1], as amended, in the instant docket so as to authorize the construction and operation of interconnecting facilities between Petitioner and Phillips Petroleum Company (Phillips) in Hansford County, Texas, and an extension of the term of the exchange of natural gas with Phillips and Michigan Wisconsin Pipe Line Company (Mich Wis), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is submitted that by order issued December 7, 1970, in the instant docket Petitioner was authorized to construct and operate certain natural gas facilities as well as to exchange natural gas pursuant to gas exchange agreement with Phillips dated January 16, 1970, and a supplemental gas exchange agreement with Phillips and Mich Wis dated July 17, 1970.

It is further submitted that on August 5, 1977, such order was amended so as to authorize Petitioner to extend the supplemental gas exchange agreement until July 31, 1979, and from year to year thereafter and, further, to increase the volume of gas to be exchanged to 80,000 Mcf per day.

Petitioner asserts that because of decreased pressure in Mich Wis' pipeline deliveries to Petitioner under the supplemental gas exchange agreement have been reduced at the Hansford, Texas, delivery point and in order to restore deliveries to the level authorized, Petitioner, Phillips and Mich Wis amended on February 16, 1982, the supplemental gas exchange agreement. It is stated that under such amended agreement Phillips would install and operate the necessary facilities to dehydrate and compress the gas delivered by Mich Wis to the quality and pressure conditions necessary for utilization by Petitioner in its pipeline system.

Petitioner proposes, therefore, as a means of facilitating the compression and dehydration of gas by Phillips to construct and operate two connections on the inlet side of Petitioner's existing measurement station. It is stated that one connection would be 16 inches in diameter and would be used by Petitioner to deliver gas to Phillips for compression and dehydration and that the other connection would be 12 inches in diameter and would be used by Phillips to redeliver gas to Petitioner.

Petitioner asserts that the proposed construction and operation of facilities would make it possible for the Hansford delivery point to once again become a viable point of exchange.

Petitioner further proposes to extend the term of the supplemental gas exchange agreement until July 31, 1987, and from year to year thereafter.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 12, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8258 Filed 3-26-82; 8:45 am]

BILLING CODE 6717-01-M

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

[Project No. 5217-000]

Niagara Mohawk Power Corp.; Application for Exemption for Small Hydroelectric Power Project Under 5 mW capacity

March 24, 1982.

Take notice that on August 10, 1981, Niagara Mohawk Power Corporation (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project Project No. 5217 would be located on the Seneca River in the Village of Baldwinsville, Onondaga County, New York. Correspondence with the Applicant should be directed to: John H. Terry, Esq., Senior Vice President, General Counsel and Secretary, Niagara Mohawk Power Corporation, 300 Erie Boulevard, West, Syracuse, New York 13202.

Project Description—The proposed run-of-the-river project would utilize the existing New York State Dam at Baldwinsville. The dam is a stone gravity structure about 360 feet long and 13 feet high, and the impoundment extending several miles upstream contains negligible usable storage capacity at normal surface elevation of 373 feet m.s.l. The existing small hydroelectric project works consist of: (1) An open forebay at the north (left) abutment of the dam; (2) timber sliding headgates controlling flow into (3) a powerhouse, 86 feet long and 29 feet wide, containing two turbine-generators, one operating 320 kW unit and an

additional inoperative 320 kW unit to be rehabilitated; (4) a discharge conduit; (5) transmission facilities; and (6) other appurtenances. Applicant estimates annual generation would average 3,650,000 kWh.

Proposed of Project—Project energy would be utilized directly in the Applicant's electrical distribution system.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the New York State Department of Environmental Conservation are requested, for the purposes set forth in section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments shoud be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before May 11, 1982, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before May 11, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8224 Filed 3-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-34-001]

Northern Natural Gas Company, Division of InterNorth, Inc.; Amendment To Application

March 23, 1982.

Take notice that on February 4, 1982, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filied in Docket No. CP82-34-001 an amendment to its application filed pursuant to Section 7(c) of the Natural Gas Act so as to reflect the construction and operation of three new delivery points for the sale of gas to Westar Transmission Company, a Division of Pioneer Corporation (Westar), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

It is stated that on October 26, 1981, Applicant filed in the instant docket an application for authorization to cancel its Rate Schedules X-24 and X-30 and to incorporate such sales and service through an amendment to its Rate Schedule X-17. Applicant submits that it has since entered an agreement with Westar whereby Applicant has agreed to construct three new delivery points to accommodate the sale of natural gas to Westar under Applicant's proposed Rate Schedule X-17. The location of the proposed facilities are as follows:

(1) Midland County delivery point—Midland County, Texas;

(2) Reeves County delivery point—Reeves County, Texas;

(3) Hemphill County delivery point—Hemphill County, Texas.

It is asserted that the Hemphill County and Reeves County delivery points are proposed interconnections between Applicant and Westar. Applicant states that the Midland County delivery point is a proposed interconnection between Odessa Natural Gas Company (Odessa) and Applicant whereby Odessa would transport natural gas for the account of Westar.

It is asserted that Westar would reimburse Applicant for the cost of said facilities which is estimated to be $428,163.

Applicant states that additional volumes to be delivered to Westar through the proposed facilities are within its present entitlement and would be delivered pursuant to the effective service agreement between Applicant and Westar.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before April 12, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8271 Filed 3-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP81-327-001]

Northern Natural Gas Company, Division of InterNorth, Inc.; Amendment To Application

March 23, 1982.

Take notice that on February 23, 1982,[1] Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81-327-001 an amendment to the application filed in the instant docket pursuant to section 7(c) of the Natural Gas Act so as to reflect revisions to the sales volumes and to the facilities proposed to be constructed and operated, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

It is stated that in the application filed May 8, 1981, in the instant docket, Applicant proposed to make available the following net changes in firm entitlement:

(1) An increase of 71,943 Mcf per day of contract demand available during the entire year.

(2) An increase of 46,503 Mcf per day of seasonal service demand available from November 27 through March 26 of each heating season.

(3) An increase of 3,455 Mcf per day of winter period service demand available from December 15 through March 15 of each heating season.

(4) A decrease of 1,854 Mcf per day of peaking service demand available from December 15 through March 15 of each heating season.

Furthermore, Applicant proposed to increase the peak day and annual entitlements of its South End customers totaling 528 Mcf and 5,176,105 Mcf, respectively.

To accommodate the delivery of the originally proposed volumes, Applicant proposed in the original application to construct and operate approximately 81 miles of 4-inch through 10-inch branchline loops, 39 miles of 12-inch pipeline connecting two branchline systems and two new town border stations.

Applicant explains that since the original filing events have occurred which necessitate reductions to the originally requested volumes and revisions to the facilities required to accommodate their delivery. Applicant now proposes the following revised level of changes in firm entitlement:

(1) An increase of 26,452 Mcf per day of contract demand available during the entire year.

(2) An increase of 40,257 Mcf per day of seasonal service demand available from November 27 through March 26 of each heating season.

(3) An increase of 9,635 Mcf per day of winter period service demand available from December 15 through March 15 of each heating season.

(4) A decrease of 1,631 Mcf per day of peaking service demand available from December 15 through March 15 of each heating season.

Applicant states that it has received a request from High Plains Natural Gas Company, one of its South End customers, for an additional 4,500 Mcf per day of firm entitlement. Applicant therefore now proposes an increase in firm entitlement for its South End Area customers totaling 5,001 Mcf per day.

Applicant asserts that as a result of the proposed volume changes, 7.71 miles of 6-inch branchline loop from Martinville to Buffalo, Minnesota, 2.99 miles of 4-inch St. Michael, Minnesota, branchline loop, 5.72 miles of 6-inch Gilmore City, Iowa, branchline loop, and 4.0 miles of 4-inch Spirit Lake, Iowa, branchline loop which were originally proposed are no longer required. Applicant now proposes to construct and operate approximately 13.1 miles of 6-inch branchline loop from the Brookings, South Dakota, take-off point and approximately 2.8 miles of 4-inch branchline loop from Watertown, Minnesota, to Delano, Minnesota.

Applicant avers that the total cost of the proposed facilities is $16,513,556.

Applicant explains that the proposed change in service is a result of changing market requirements which caused Applicant's customers to make adjustments in their requirements.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before April 13, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8272 Filed 3-26-82; 8:45 am]

BILLING CODE 6717-01-M

[1] The amendment was initially tendered for filing on February 23, 1982; however, the fee required by § 159.2(c) of the Regulations under the Natural Gas Act (18 CFR 159.2(c)) was not paid until March 3, 1982; thus, filing was not completed until the latter date.

[Docket No. CP82-225-000]

Northern Natural Gas Company, Division of InterNorth, Inc.; Application

March 23, 1982.

Take notice that on March 2, 1982, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP82-225-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 47 small volume sales measuring stations for the sale and delivery of additional volumes of natural gas in the states of Oklahoma, Minnesota, Wisconsin, Montana, Iowa, Nebraska and Kansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to provide natural gas service to persons who have granted Applicant right-of-way easements to construct and operate pipeline facilities across their property. It is stated that such service would be made to small volume[1] industrial, commercial and residential customers.

Applicant proposes to install and operate 35 small volume measuring stations in Minnesota, Iowa, Nebraska and Kansas which are required to make the sale of natural gas to customers through Peoples Natural Gas Company, Division of InterNorth, Inc. (Peoples). It is stated that the volumes to be delivered would be provided from Peoples' presently authorized contract demand.

It is also stated that Applicant sells and delivers natural gas in Oklahoma to the Southern Union Gas Company (So. Union) pursuant to Applicant's Rate Schedule X-46 for resale by So. Union to Applicant's right-of-way grantors and others for use as irrigation engine fuel, residential and other high priority uses. Applicant proposes to provide natural gas service to eight of its right-of-way grantors located in So. Union's service area in Oklahoma which would result in an increase of 28,920 Mcf in annual sales to So. Union.

[1] As defined in Applicant's Gas Tariff, customers with maximum daily gas requirements under 200 Mcf are considered small volume customers.

Applicant further proposes to construct and operate one small volume measuring station in Wisconsin which is required to make sales of natural gas to a customer through St. Croix Valley Natural Gas (St. Croix). It is submitted that the firm volumes to be delivered would be provided from St. Croix's presently authorized contract demand.

Moreover, Applicant proposes to provide natural gas service to three right-of-way grantors in Hill County, Montana. Applicant proposes to construct and operate the delivery stations required to make direct sales and deliveries of natural gas volumes to these new Montana customers. It is explained that the proposed service would be rendered pursuant to the terms of farm tap service contracts between Applicant and the new customers.

Applicant more fully describes the 47 proposes small volume sales measuring stations as follows:

Right-of-way grantor	Location of facilities county-state
Peoples:	
Abbett, Charles L.	Carlton-MN.
Alexander, Eldon	Hugoton-KS.
Brinkman, August	Holcomb-KS.
Borchardt, Fredrick	Carlton-MN.
DeVries, Bernard	Willmar-IA.
Eubanks, James C.	Harrisburg-IA
Gerten, Michael	Farmington-MN.
Hahn, Raymond	Carlton-MN.
Hawker, Lyle	N. Branch-MN.
Hovila, Richard	Carlton-MN.
Johnson, Harlan	Willmar-MN.
Kanter, Claude	Ventura-IA.
Kipperg, Edward	Redfield-IA.
Lee, Robert	Ogden-IA.
LeMaster, D. L.	Do.
Nelia, Philip	Hugoton-KS.
Olson, Ralph	Welcome-MN.
Peterson Bros. Trucking	Carlton-MN.
Rife, O.S.	Sublette-KS.
Ritchie, Wendell	Paullina-IA.
S & S Farms	Hugoton-KS.
Schumacher, Levern	Farmington-MN.
Schwer, Howard	Palmyra-NE.
Schwich, Norman	Farmington-MN.
Swaser, Leo	Willmar-MN.
VanWechel, Glenn	Waterloo-IA.
Vavra, Roger	N. Branch-MN.
Voge, Gerhardt	Oakland-IA.
Wetchel Farms, Inc.	Beatrice-NE.
Wermerskirchen, Doug	Farmington-MN.
Westrem, Carl	Carlton-MN.
Willete, Marvin	Farmington-MN.
Winnick, Terry	N. Branch-MN.
Vearows Farms	Waterloo-IA.
So. Union:	
Anderson, Lloyd	Beaver, OK.
Armstrong, James	Do.
Cardwell, Rick	Dewey, OK.
Chaloupek, Virgie	Beaver, OK.
Humberd, Paul	Dewey, OK.
Jahav, Virgil	Ellis, OK.
Richardson, Marien	Harper, OK.
Roper, Virgil	Ellis, OK.
St. Croix: Neubaver, Frank	Pierce-WI.
Applicant:	
Hinebaugh, William	Hill-MT.
Staples, Roy L.	Do.
Swinney, Donald	Do.

Applicant estimates the cost of the proposed facilities to be $90,219 which would be financed from funds-on-hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 12 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdication conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8259 Filed 3-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-390-000]

Northern States Power Co.; Filing

March 23, 1982.

Take notice that Northern States Power Company (NSP) on March 17, 1982, tendered for filing the Interconnection and Facilities Use Agreement, dated January 27, 1982 with Northwestern Wisconsin Electric Company.

The Agreement provides for the establishment of an interconnection between the parties at the Dahlberg 69 kV Interconnection near Amergy, Wisconsin. NSP requests an effective date of March 1, 1982.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 9, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8246 Filed 3-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER77-5 and E-8152]

Otter Tail Power Co.; Refund

March 22, 1982.

Take notice that on March 11, 1982, Otter Tail Power Company filed a supplementary refund report pursuant to the Commission's letter dated February 9, 1982.

Any person desiring to be heard or to protest this filing should file comments with the Federal Regulatory Commission, 825 North Capitol Street, N.W., Washington, D.C. 20426, on or before April 7, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8273 Filed 3-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 184-003]

Pacific Gas and Electric Co.; Application for Approval of Revised Exhibit S

March 24, 1982.

Take notice that an application was filed on February 22, 1982, under the Federal Power Act, 16 U.S.C. 791(a)-825(r) by the Pacific Gas and Electric Company (PG&E), Licensee for the El Dorado Project No. 184, for approval of a revised Exhibit S. The project is located

on the South Fork of the American River in the counties of El Dorado, Alpine, and Amador, California. Correspondence with the Applicant should be directed to: Mr. W. M. Gallavan, Pacific Gas and Electric Company, 77 Beale Street, San Francisco, California 94106.

The PG&E proposes to maintain various minimum flow releases at Silver Lake, Caples Lake, and Medley Lake for the benefit of fishery resources, wildlife, and other aquatic life in the streams below the project dams. At the South Fork of the American River below El Dorado Diversion Dam, PG&E proposes to undertake further studies before making a determination on permanent releases, while maintaining a temporary 5 cfs release. PG&E has also made improvements to the deer crossings and deer warning-excape system along the canal to the satisfaction of State and Federal fish and wildlife agencies.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before May 13 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8225 Filed 3-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-17-001]

Panhandle Eastern Pipe Line Co.; Proposed Changes in FERC Gas Tariff

March 22, 1982.

Take notice that Panhandle Eastern Pipe Line Company (Panhandle) on March 12, 1982 tendered for filing the following sheets to its FERC Gas Tariff, Original Volume No. 2:

First Substitute Seventh Revised Sheet No. 694
First Substitute Seventh Revised Sheet No. 695
First Substitute Sixth Revised Sheet No. 724
First Substitute Sixth Revised Sheet No. 725
First Substitute Third Revised Sheet No. 756
First Substitute Third Revised Sheet No. 757
First Substitute Seventh Revised Sheet No. 784
First Substitute Seventh Revised Sheet No. 801
First Substitute Sixth Revised Sheet No. 811
First Substitute Sixth Revised Sheet No. 812
First Substitute Seventh Revised Sheet No. 875
First Substitute Seventh Revised Sheet No. 876
First Substitute Second Revised Sheet No. 933
First Substitute Second Revised Sheet No. 934
First Substitute Second Revised Sheet No. 1399
First Substitute Second Revised Sheet No. 1400
First Substitute Second Revised Sheet No. 1430
First Substitute Second Revised Sheet No. 1431
First Substitute Second Revised Sheet No. 1486
First Substitute Second Revised Sheet No. 1487
First Substitute Second Revised Sheet No. 1522
First Substitute Second Revised Sheet No. 1523

Panhandle proposes that these tariff sheets become effective December 1, 1980.

Panhandle states that such changes are made to amend certain Rate Schedules for the transportation of natural gas on behalf of various Panhandle transport customers to reflect Trunkline Gas Company's settlement transportation rates as approved in Docket No. RP80-106 by Commission's Order dated December 18, 1981 to be effective December 1, 1980.

A copy of this filing has been served on transport customers.

Any person desiring to be heard or to make any protest with reference to said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 1, 1982. Protests will be considered by the Commission in determining the appropriate action taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commisssion and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8274 Filed 3-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-213-000]

Panhandle Eastern Pipe Line Co.; Application

March 23, 1982.

Take notice that on February 25, 1982, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP82-213-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain compressor, pipeline and related facilities on its existing gas supply system situated in Ellis County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Applicant would construct and operate the following pipeline, compressor and related facilities:

(1) The existing 150 horsepower of compression facilities located at the Arnett compressor station would be removed pursuant to budget-type authorization and would be replaced with two new 500 horsepower compressor units.

(2) The capabilities of the existing compressor station would be increased

by the addition of 500 horsepower of new compression facilities.

(3) This facility would be expanded by the addition of 1,000 horsepower of new compression facilities.

(4) The existing 1,400 horsepower of compression facilities located at the Gage Compressor Station would be removed pursuant to budget-type authorization and would be replaced with four new 700 horsepower compressor units.

(5) The construction of 9.15 miles of 10-inch pipeline in Ellis County, Oklahoma.

Applicant asserts that the requested facilities are required in order to compensate for the natural decline in gas reservoir pressures and to assist Applicant in delivering contractually committed volumes of natural gas to its mainline system. It is stated that the facilities are necessary to transport gas from 100 new wells and 176 existing wells in Ellis and Woodward Counties, Oklahoma.

Applicant estimates the proposed facilities would cost $8,759,000. Such cost, it is asserted, would be financed with internally generated funds and short-term bank borrowing.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 12, 1982, file with th Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificates is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8260 Filed 3-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6042-000]

Placer County Water Agency, Application for Preliminary Permit

March 25, 1982.

Take notice that Placer County Water Agency (Applicant) filed on February 26, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 6042 to be known as the Secret Town Pipe Power Project located on Lower Boardman Canal in Placer County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Elmer G. Pretzer, Power Systems Manager, Placer County Water Agency, P.O. Box 667, Foresthill, California 95631.

Project Description—The proposed project would consist of: (1) A 10-foot long, 30-inch diameter bifurcation section, connected to an existing unpressurized 30-inch diameter penstock, and the new powerhouse; (2) a powerhouse containing a turbine-generating unit with a rated capacity of 241 kW; (3) a 100-foot long transmission line connecting to an existing Pacific Gas and Electric line; and (4) a 15-foot long tailrace feeding into Lower Boardman Canal. The Applicant estimates a 1,892,200 kWh annual energy production.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report including preliminary designs, and geological, environmental, and economic feasibility studies. The cost of forementioned activities along with preparation of an environmental impact report, obtaining agreements with Federal, State, and local agencies, and preparing a license application is estimated by the Applicant to be $5,000. Power would be sold to Pacific Gas and Electric Company.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before June 2, 1982, the competing application itself, or a notice of intent to file such an application (see 18 CFR 4.30 et. seq. (1981); and Docket No. RM81-15, issued October 29, 1981, 46 FR 55245, November 9, 1981.)

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before June 2, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than August 2, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before June 2, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E.

Springer, Chief, Applicants Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8226 Filed 3-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6043-000]

Placer County Water Agency; Application for Preliminary Permit

March 25, 1982.

Take notice that Placer County Water Agency (Applicant) filed on February 26, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 6043 to be known as the Secret Town Lower Random Power Project located on Lower Boardman Canal in Placer County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed: Mr. Elmer G. Pretzer, Power Systems Manager, Placer County Water Agency, P.O. Box 667, Foresthill, California 95631.

Project Description—The proposed project would consist of: (1) A 5-foot long, 5-foot long concrete diversion structure at the upper end of the Secret Town Lower Random; (2) a 30-inch diameter, 550-foot long penstock; (3) a powerhouse containing a turbine-generating unit with a rated capacity of 36 kW; (4) a 100-foot long transmission line connecting to an existing Pacific Gas and Electric line; and (5) a 15-foot long tailrace feeding back into Lower Boardman Canal. The Applicant estimates a 280,300 kWh annual energy production.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report including preliminary designs, and geological, environmental, and economic feasibility studies. The cost of forementioned activities along with preparation of an environmental impact report, obtaining agreements with Federal, State, and local agencies, and preparing a license application is estimated by the Applicant to be $5,000. Power would be sold to Pacific Gas and Electric Company.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before June 4, 1982, the competing application itself, or a notice of intent to file such an application (see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81–15, issued October 29, 1981, 46 FR 55245, November 9, 1981).

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before June 4, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than August 4, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before June 4, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8227 Filed 3-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6053-000]

Placer County Water Agency; Application for Preliminary Permit

March 25, 1982.

Take notice that Placer County Water Agency (Applicant) filed on February 26, 1982 an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 6053 to be known as the Lake Arthur Power Project located on Upper Boman and Rags Dale Random Canals in Placer County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Elmer G. Pretzer Power Systems Manager, Placer County Water Agency, P.O. Box 667, Foresthill, California 95631.

Project Description—The proposed project would consist of: (1) a 5-foot high, 5-foot long concrete diversion structure at the upper Bowman Canal; (2) A 18-inch diameter, 600-foot long penstock; (3) A powerhouse containing a turbine-generating unit with a rated capacity of 114 kW; (4) a 100-foot long transmission line connecting to an existing Pacific Gas and Electric Line; and (5) A 15-foot long tailrace feeding into Ragsdale Random Canal. The Applicant estimates a 893,500 kWh annual energy production.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report including preliminary designs, and geological, environmental, and economic feasibility studies. The cost of forementioned activities along with preparation of an environmental impact report, obtaining agreements with Federal, State, and local agencies, and preparing a license application is estimated by the Applicant to be $5,000. Power would be sold to Pacific Gas and Electric Company.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before June 4, 1982, the competing application itself, or a notice of intent to file such an application (see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81–15, issued October 29, 1981, 46 FR 55245, November 9, 1981.)

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before June 4, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than August 4, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before June 4, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8228 Filed 3-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6047-000]

Placer County Water Agency; Application for Preliminary Permit

March 24, 1982.

Take notice that Placer County Water Agency (Applicant) filed on February 26, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 6047 to be known as the Long Ravine Pipe Power Project located on Lower Boardman Canal in Placer County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Elmer G. Pretzer, Power Systems Manager, Placer County Water Agency, P.O. Box 667, Foresthill, California 95631.

Project Description—The proposed project would consist of: (1) A 10-foot long, 30-inch diameter bifurcation section, connected to an existing unpressurized 30-inch diameter penstock, and the new powerhouse; (2) a powerhouse containing a turbine-generating unit with a rated capacity of 115 kW; (3) a 100-foot long transmission line connecting to an existing Pacific Gas and Electric line; and (4) a 15-foot long tailrace feeding into Lower Boardman Canal. The Applicant estimates a 902,300 kWh annual energy production.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report including preliminary designs, and geological, environmental, and economic feasibility studies. The cost of forementioned activities along with preparation of an environmental impact report, obtaining agreements with Federal, State, and local agencies, and preparing a license application is estimated by the Applicant to be $5,000. Power would be sold to Pacific Gas and Electric Company.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before May 31, 1982, the competing application itself, or a notice of intent to file such an application (see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81–15, issued October 29, 1981, 46 FR 55245, November 9, 1981.)

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before May 31, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than July 29, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before May 31, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's

regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8229 Filed 3-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6045-000]

Placer County Water Agency; Application for Prelimary Permit

March 24, 1982.

Take notice that Placer County Water Agency (Applicant) filed on February 26, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 6045 to be known as the Cape Horn Random Power Project located on Lower Boardman Canal in Placer County, California. The application is on file with the Commission and is available for public inspection. Correspondnece with the Applicant should be directed to: Mr. Elmer G. Pretzer, Power Systems Manager, Placer County Water Agency, P.O. Box 667, Foresthill, California 95631.

Project Description—The proposed project would consist of: (1) A 5-foot high, 5-foot long concrete diversion structure at the upper end of Cape Horn Random; (2) a 30-inch diameter, 640-foot long penstock; (3) a powerhouse containing a turbine-generating unit with a rated capacity of 69 kW; (4) a 100-foot long transmission line connecting to an existing Pacific Gas and Electric line; and (5) a 15-foot long tailrace feeding back into the Lower Boardman Canal. The Applicant estimates a 543,100 kWh annual energy production.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report including preliminary designs, and geological, environmental, and economic feasibility studies. The cost of forementioned activities along with preparation of an environmental impact report, obtaining agreements with Federal, State, and local agencies, and preparing a license application is estimated by the Applicant to be $5,000. Power would be sold to Pacific Gas and Electric Company.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission on or before May 31, 1982, the competing application itself, or a notice of intent to file such an application (see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81-15, issued October 29, 1981, 46 FR 55245, November 9, 1981.)

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before May 31, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et. seq. (1981), as appropriate).

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than July 29, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protest, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before May 31, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTESTS," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commision's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8230 Filed 3-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6050-000]

Placer County Water Agency; Application for Preliminary Permit

March 24, 1982.

Take notice that Placer County Water Agency (Applicant) filed on February 26, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 6050 to be known as the Heather Glen Spill Power Project located on Lower Boardman Canal in Placer County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Elmer G. Pretzer, Power Systems Manager, Placer County Water Agency, P.O. Box 667, Foresthill, California 95631.

Project Description—The proposed project would consist of: (1) A 5-foot high, 5-foot long concrete diversion structure at the upper end of Heather Glen Spill Random; (2) a 30-inch diameter, 1,800-foot long penstock; (3) a powerhouse containing a turbine-generating unit with a rated capacity of 84 kW; (4) a 100-foot long transmission line connecting to an existing Pacific Gas and Electric Line; and (5) a 15-foot long tailrace feeding back into Lower Boardman Canal.

The Applicant estimates a 676,500 kWh annual energy production.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report including preliminary designs, and geological, environmental, and economic feasibility studies. The cost of forementioned activities along with preparation of an environmental impact report, obtaining agreements with

Federal, State, and local agencies, and preparing a license application is estimated by the Applicant to be $5,000. Power would be sold to Pacific Gas and Electric Company.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before June 1, 1982, the competing application itself, or a notice of intent to file such an application (see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81–15, issued October 29, 1981, 46 FR 55245, November 9, 1981.)

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before June 1, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than August 29, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before June 1, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8231 Filed 3-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6046-000]

Placer County Water Agency; Application for Preliminary Permit

March 24, 1982.

Take notice that Placer County Water Agency (Applicant) filed on February 26, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 6046 to be known as the Cape Horn Shoot Pipe Power Project located on Lower Boardman Canal in Placer County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Elmer G. Pretzer, Power Systems Manager, Placer County Water Agency, P.O. Box 667, Foresthill, California 95631.

Project Description—The proposed project would consist of: (1) A 10-foot long, 30-inch diameter bifurcation section, connected to an existing unpressurized 30-inch diameter penstock, and the new powerhouse; (2) a powerhouse containing a turbine-generating unit with a rated capacity of 92 kW; (3) a 100-foot long transmission line connecting to an existing Pacific Gas and Electric line; and (4) a 15-foot long tailrace feeding into Lower Boardman Canal. The Applicant estimates a 718,300 kWh annual energy production.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report including preliminary designs, and geological, environmental, and economic feasibility studies. The cost of forementioned activities along with preparation of an environmental impact report, obtaining agreements with Federal, State, and local agencies, and preparing a license application is estimated by the Applicant to be $5,000. Power would be sold to Pacific Gas and Electric Company.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before May 31, 1982, the competing application itself, or a notice of intent to file such an application (see: 18 CFR 4.30 et. seq. (1981); and Docket No. RM81–15, issued October 29, 1981, 46 FR 55245, November 9, 1981.)

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before May 31, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et. seq., or 4.101 et. seq. (1981), as appropriate).

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than July 29, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before May 31, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the

Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8232 Filed 3-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6044-000]

Placer County Water Agency; Application for Preliminary Permit

March 24, 1982.

Take notice that Placer County Water Agency (Applicant) filed on February 26, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 6044 to be known as the Schroader Gap Random Power Project located on Lower Boardman Canal in Placer County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Elmer G. Pretzer, Power Systems Manager, Placer County Water Agency, P.O. Box 667, Foresthill, California 95631.

Project Description—The proposed project would consist of: (1) A 5-foot long, 5-foot long concrete diversion structure at the upper end of Shroader Gap Random; (2) a 30-inch diameter, 425-foot long penstock; (3) a powerhouse containing a turbine-generating unit with a rated capacity of 46 kW; (4) a 100-foot long transmission line connecting to an existing Pacific Gas and Electric line; and (5) a 15-foot long tailrace feeding back into Lower Boardman Canal. The Applicant estimates a 359,200 kWh annual energy production.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report including preliminary designs, and geological, environmental, and economic feasibility studies. The cost of Aforementioned activities along with preparation of an environmental impact report, obtaining agreements with federal, state, and local agencies, and preparing a license application is estimated by the Applicant to be $5,000. Power would be sold to Pacific Gas and Electric Company.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before May 31, 1982, the competing application itself, or a notice of intent to file such an application (see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81–15, issued October 29, 1981, 46 FR 55245, November 9, 1981.)

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before May 31, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than July 29, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly form the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before May 31, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary

[FR Doc. 82-8233 Filed 3-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER 82-387-000]

Public Service Company of Indiana, Inc.; Filing

March 23, 1982.

Take notice that Public Service Company of Indiana, Inc. (PSCI) on March 15, 1982, tendered for filing pursuant to the Interconnection Agreement between PSCI and Southern Indiana Gas and Electric Company an Eighth Supplemental Agreement to become effective May 12, 1982.

PSCI states that said Supplemental Agreement increases the demand charge for Short Term Power from 85¢ per kilowatt per week to $1.05 per kilowatt per week.

Copies of the filing were served upon Southern Indiana Gas and Electric Company and Public Service Commission of Indiana.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 8, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8247 Filed 3-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-389-000]

Public Service Company of Oklahoma; Tariff Changes

March 23, 1982.

Take notice that Public Service Company of Oklahoma ("PSO") on March 16, 1982, tendered for filing changes in its rates for wholesale electric service embodied in (1) an amended FERC Electric Tariff RE-5, PSO's general wholesale for resale electric tariff; (2) a new FERC Electric Tariff RE-6, applicable to supplemental energy sales made by PSO to preference customers of the Southwestern Power Administration ("SWPA"); (3) unexecuted amended supplemental power sales and service contracts between PSO and such preference customers of SWPA; and (4) revisions to the contract dated November 10, 1977 between SWPA and PSO. The proposed changes would increase revenues from jurisdictional sales over revenues which would have been produced by rates in effect during 1981 by about $10,090,000 based upon the calendar year 1982.

On November 6, 1981, PSO filed changes with the Commission by which it sought a general increase of $8,150,000 in its rates for jurisdictional service to reflect the increased costs of providing service and increased investment in utility plant. The Commission permitted those rates to become effective on January 10, 1982. On February 16, 1982, PSO informed the Nuclear Regulatory Commission of its decision to cancel its plans to construct the Black Fox Nuclear Station. PSO states that it seeks the rate increase requested in this current filing to recover its investment in Black Fox Station plus cancellation charges net of salvage and net of its investment which is convertible to a coal-fired facility. The proposed rates are based upon an overall rate of return of 12.8%.

Copies of the filing have been served on the customers of PSO affected by the filing and upon the Oklahoma Corporation Commission. PSO has proposed that its proposed rates be made effective on May 15, 1982.

Any person desiring to be heard or protest the application should file a petition to intervene or protest with the Federal Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 9, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8248 Filed 3-26-82; 8:45 am]

BILING CODE 6717-01-M

[Project No. 5935-000]

Shenandoah Hydro Associates; Application for Preliminary Permit

March 24, 1982.

Take notice that Shenandoah Hydro Associates (Applicant) filed on February 1, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 5935 to be known as the McGaheysville Project located on the South Fork of the Shenandoah River near McGaheysville, in Rockingham County, Virginia. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to : Mr. Wayne L. Rodgers, President, Synergics, Inc., 1444 Foxwood Court, Annapolis, Maryland 21401.

Project Description—The proposed run-of-the-river project would consist of: (1) The existing McGaheysville Dam, a 760-foot long and 15-foot high concrete gravity structure owned by the City of Harrisonburg, Virginia (the dam is currently breached and proposed to be repaired); (2) an existing headgate structure at the north (left) abutment of the dam; (3) an existing power canal heavily silted-in and to be dredged; (4) a new powerhouse with an installed capacity of 1,500 kW; (5) a new tailrace; and (6) other appurtenances. Estimated annual generation would be 6,300,000 kWh and project energy is proposed to be marketed to the Shenandoah Valley Electric Cooperative.

Proposed Scope of Studies under Permit—A preliminary permit, if isssued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 18 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of these studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $50,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before June 29, 1982, the competing application itself (see: 18 CFR § 4.30 et seq. (1981). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before June 1, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Indetermining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before June 1, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory

Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Coimmission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Keneth F. Plumb,

Secretary.

[FR Doc. 82-8234 Filed 3-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5982-000]

Robert B. Shipp; Application for Exemption for Small Hydroelectric Power Project Under 5 mW Capacity

March 25, 1982.

Take notice that on February 16, 1982, Robert B. Shipp (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 5982) would be located on Smith Creek, Whatcom County, Washington. Correspondence with the Applicant should be directed to: Mr. Robert B. Shipp, 1807 Lakeway Drive, Bellingham, Washington 98226.

Project Description—The proposed project would consist of: (1) A 3-foot high diversion structure with a 16-inch diameter embedded intake pipe; (2) a 2,000-foot long, 16-inch diameter steel penstock; (3) a powerhouse containing one generating unit with a rated capacity of 93 kW and (4) a 200-foot long transmission line from the powerhouse to an existing transmission line. The Applicant estimates that the average annual energy production would be 471 mWh.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, the Washington Department of Fisheries and the Washington Department of Game are requested, for the purposes set forth in section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before May 12, 1982, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before May 12, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS" "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8235 Filed 3-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1996-000]

Stewart W. Smith, Jr.; Application

March 23, 1982.

Take notice that on March 15, 1982, Stewart W. Smith, Jr. filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Director:
Missouri Edison Company
Director:
Missouri Power & Light Company
Director:
Missouri Utilities Company
Executive Vice President and Director:
Union Electric Company

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 15, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8249 Filed 3-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP79-425-002 and CP80-83-002]

Southern Natural Gas Co. and Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Petition To Amend

March 23, 1982.

Take notice that on January 28, 1982, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP79-425-002 and Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP80-83-002 a joint petition to amend the orders issued December 12, 1979, and January 28, 1980, in the instant dockets, respectively, pursuant to Section 7(c) of the Natural Gas Act and § 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) so as to authorize the construction and operation of an offshore gas supply facility in excess of the single project cost limitation of $3,500,000, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that by orders issued December 12, 1979, and January 28, 1980, Southern and Tennessee were, respectively, authorized to construct and operate each year gas purchase facilities with no single offshore project to exceed $3,500,000.

Petitioners state that pursuant to a gas purchase agreement dated August 1, 1980, with Conoco Inc. and a gas purchase agreement dated September 5, 1980, with Cities Service Company a portion of the gas reserves to be produced from Main Pass Area Block 311, offshore Louisiana, was committed to Southern. Petitioners further assert that Tennessee also arranged to purchase gas reserves from this area pursuant to a gas purchase agreement with Tenneco Oil Company dated May 21, 1981. It is explained that to make these reserves available to their respective pipeline systems Petitioners agreed to enter into a construction, operating, and design agreement providing for the construction of approximately 2.67 miles of 6-inch pipeline and appurtenant facilities, the Main Pass 311 pipeline, which was estimated to cost less than $3,500,000.

It is stated that Petitioners experienced slight cost overruns in construction caused primarily by bad weather delays and underwater construction problems. Petitioners submit that such factors have caused the actual cost of construction to exceed the estimated cost by approximately $230,000. Petitioners now request amendment of the aforementioned orders so as to authorize the construction and operation of the Main Pass 311 pipeline at a cost not to exceed $3,900,000.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 12, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10), and the Regulations under the National Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8261 Filed 3-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP81-99-002]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Filing of Report of Disposition of Refund of Louisiana First Use Tax

March 22, 1982.

Take notice that on March 15, 1982, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), filed its report of disposition of refunds totalling $3,323,544.03 (principal and interest) received from the State of Louisiana and of refunds totalling $46,101.10 (principal and interest) received from National Fuel Gas Supply Corporation since December 15, 1981, pertaining to the Louisiana First Use Tax on Natural Gas (LFUT). Tennessee states that it has, since December 15, 1981, disbursed the jurisdictional portion of the refunds to its customers by means of checks.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before April 6, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene, provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are avaialble for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8275 Filed 3-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP76-370-003]

Tennessee Gas Pipeline Co. and Natural Gas Pipeline Company of America; Petition To Amend

March 23, 1982.

Take notice that on February 4, 1982, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, and Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP76-370-003 a joint petition to amend the order issued April 18, 1980, as amended, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the establishment of a new delivery point for the transportation and exchange of natural gas, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that pursuant to the order issued April 18, 1980, as amended, in the instant docket, Petitioners were authorized to construct and operate facilities and to exchange natural gas. Petitioners propose herein to transport and exchange natural gas from an additional delivery point pursuant to an amendatory agreement dated July 20, 1981. Petitioners submit that Tennessee has secured the right to receive up to 10,000 Mcf of natural gas per day produced from East Cameron Block 359, offshore Louisiana. Petitioners explain that East Cameron Block 359 is to be connected to East Cameron Block 338 by a jointly-owned pipeline presently being constructed. Petitioners propose a new delivery point for Tennessee at East Cameron Block 338 at an interconnection with Stingray Pipeline Company in order to connect gas supplies purchased at East Cameron Block 359. Petitioners assert that the volumes delivered would be up to 10,000 Mcf per day and total volumes from all delivery points would not exceed 50,000 Mcf per day.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 12, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8276 Filed 3-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-196-000]

Tennessee Gas Pipeline Co., and Midwestern Gas Transmission Co.; Application

March 23, 1982.

Take notice that on February 8, 1982, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, and Midwestern Gas Transmission Company (Midwestern), P.O. 2511, Houston, Texas 77001, filed in Docket No. CP82-196-000 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for East Tennessee Natural Gas Company (East Tennessee) for a term ending November 1, 2000, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that East Tennessee has entered into a limited-term storage agreement with Mid-Continent Gas Storage Company (Mid-Continent) wherein Mid-Continent would provide East Tennessee with an underground storage service from storage fields located in northern Illinois for a period ending November 1, 2000. Applicant explains that in order to implement the agreement a number of separate related but arrangements are necessary. It is asserted that East Tennessee would purchase for storage injection a portion of its contractural entitlement from Tennessee at a new sales delivery point to be established by Tennessee at the existing interconnection of the pipeline facilities of Tennessee and United Gas Pipe Line Company (United) near Monroe, Louisiana, where East Tennessee would cause equivalent volumes to be delivered to United for the account of Northern Natural Gas Company, Division of InterNorth, Inc. (Northern). United and Northern would effect an exchange of equivalent volumes with Northern's transporting these volumes from Ogden, Iowa, to East Dubuque, Illinois, for delivery to Mid-Continent for the account of East Tennessee at an existing Northern delivery point to Northern Illinois Gas Company (NI-Gas), it is asserted. Applicant states that Mid-Continent would accept such gas for storage pursuant to its limited-term storage leasing agreement with NI-Gas. On withdrawal, East Tennessee would cause the withdrawal volumes to be made available to Midwestern for East Tennessee's account at Midwestern's existing NI-Gas delivery point, it is explained. Midwestern would transport and make the withdrawal volumes available to Tennessee at its existing interconnection with Tennessee near Portland, Tennessee, for the account of East Tennessee. It is stated that Tennessee would make the withdrawal volumes available to East Tennessee at its existing Greenbrier No. 2 sales delivery point to East Tennessee.

Applicants request authorization herein to render their respective services for a term ending November 1, 2000. Under the proposed arrangements, Midwestern and Tennessee would transport a maximum daily volume not to exceed 40,000 Mcf of natural gas per day. It is further stated that East Tennessee would have the option to increase the maximum daily volumes of gas to be transported by Applicants to 60,000 Mcf per day in the year 1985 and to 80,000 Mcf per day in the year 1986.

Tennessee further request authorization to establish the existing interconnection of the facilities of Tennessee and United near Monroe, Louisiana, as a new sales delivery point to East Tennessee.

It is asserted that Midwestern would charge a transportation rate of 8.86 cents per Mcf times the total of the volumes delivered during the month. Tennessee proposes to charge East Tennessee 3.61 cents per Mcf for the proposed service.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 12, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing its required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8262 Filed 3-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-227-000]

Texas Eastern Transmission Corp.; Application

March 23, 1982.

Take notice that on March 4, 1982, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP82-227-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities necessary for the expansion of a meter station on Applicant's line in Middlesex County, New Jersey, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to expand its metering and regulating station No. 953 in Middlesex County, New Jersey. It is stated that metering and regulating station No. 953 is a principal point of

delivery to New Jersey Natural Gas Company (New Jersey) for services rendered under Applicant's sale for resale Rate Schedules DCQ, GS, I and WS and storage service Rate Schedules SS and SS–II. Applicant asserts that the aggregate maximum daily delivery obligation under these various rate schedules is 159,935 dekatherms (dt) equivalent per day. Applicant states that the certificated design capacity of the station is approximately 168,000 Mcf per day.

Applicant submits that it has entered into two new transportation agreements with New Jersey which when added to other transportation agreements with New Jersey would result in a transportation volume of 149,000 dt equivalent per day. It is asserted that the principal point of delivery in the agreements is metering and regulating station No. 953. Applicant explains that the proposed expansion would provide an additional 125,000 Mcf per day in delivery capacity at the station. It is stated that Applicant and New Jersey would gain flexibility in their operations and New Jersey would be aided in securing its self-help gas supplies.

The estimated cost of the proposed construction is $524,000 which would be reimbursed by New Jersey.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 12, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–8263 Filed 3–26–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP77–568–012]

Texas Eastern Transmission Corp. and Natural Gas Pipeline Company of America; Petition To Amend

March 23, 1982.

Take notice that on January 29, 1982, Texas Eastern Transmission Corporation (TETCO), P.O. Box 2521, Houston, Texas 77001, and Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP77–568–012 a joint petition to amend the order issued November 29, 1977, as amended, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize an additional point of receipt for the transportation and exchange of natural gas, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that pursuant to the order issued November 29, 1977, as amended, in the instant docket, Petitioners were authorized to exchange natural gas and to construct certain facilities to effect such exchanges.

Petitioners propose herein to transport and exchange natural gas from an additional delivery point pursuant to an amendatory agreement dated January 14, 1982. Specifically, Petitioners Propose a new point of receipt in East Cameron Block 312, offshore Louisiana, by TETCO at the point of interconnection of TETCO's system in East Cameron Block 312 with the pipeline facilities to be constructed from Vermilion Blocks 369 and 386. Petitioners state that TETCO would receive at such point volumes of natural gas which Natural has acquired the right to purchase from Marathon Oil Company. Petitioners assert that no increase in the volumes exchanged would be necessitated by the proposal.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 12, 1982, filed with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–8264 Filed 3–26–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER81–518–000]

Toledo Edison Co.; Refund

March 23, 1982.

Take notice that on March 15, 1982, Toledo Edison Company filed a refund compliance report pursuant to the Commission's letter order dated February 1, 1982.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before April 9, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–8250 Filed 3–26–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP82–226–000]

Transcontinental Gas Pipe Line Corp.; Application

March 23, 1982.

Take notice that on March 3, 1982, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP82–226–000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas on an interruptible basis on behalf of Florida Gas Transmission Company (Florida Gas), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a transportation agreement dated February 1, 1982, Applicant proposes to transport on behalf of Florida Gas on an interruptible basis the dekatherm equivalent of 300 Mcf of gas per day. Applicant states that such quantities would be made available to Applicant at the inlet flange connecting the Energy Minerals 8–7 Well in the Black Creek Field, Stone County, Mississippi, and transported through 1.06 miles of 6-inch pipeline facilities owned by Applicant and constructed under Applicant's budget-type authorization. Applicant further states that it would deliver equivalent quantities of gas of Florida Gas at the point of interconnection between

Florida Gas' existing facilities in Stone County, Mississippi, with Applicant's facilities described above.

Such agreement, it is submitted, is for a primary term effective from date of execution and extending until July 13, 1996.

As Florida Gas would operate at no charge the above-described facilities constructed by Applicant in Stone County, Mississippi, Applicant asserts that it would not charge Florida Gas for the proposed transportation service.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 12, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificates is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8265 Filed 3-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Projects Nos. 2857, 2858 and 2859]

Vanceburg Electric Light, Heat and Power System and the City of Vanceburg, Kentucky; Surrender of Preliminary Permits

March 19, 1982.

Take notice that Vanceburg Electric Light, Heat and Power System and the City of Vanceburg, Kentucky (Vanceburg), Permittee for the U.S. Army Corps of Engineers' Newburgh Locks and Dam Project No 2857, Uniontown Locks and Dam Project No. 2858, and Smithland Locks and Dam Project No. 2859, respectively, has requested that its preliminary permits be terminated. The Federal Energy Regulatory Commission issued separate 36-month preliminary permits for Projects Nos. 2857 and 2858 on August 8, 1979, and Project No. 2859 on August 9, 1979. Project No. 2857 would have been located on the Ohio River in Henderson Couty, Kentucky. Project No 2858 would have been located on the Ohio River in Union County, Kentucky. Project No. 2859 would have been located on Livingston County, Kentucky.

Vanceburg cited that after extensive investigation at the three above-mentioned locations that the development of each would not be economically feasible.

Vanceburg filed a request for surrender of permits for Projects Nos. 2857, 2858, and 2859 on March 18, 1982, and the surrender of Projects Nos. 2857, 2858, and 2859 have been deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8277 Filed 3-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-378-000]

Virginia Electric and Power Co.; Filing

March 22, 1982.

The filing company submits the following:

Take notice that on March 12, 1982, Virginia Electric and Power Company (VEPCO) tendered for filing a Contract Supplement dated August 27, 1981 to the Rate Contract between VEPCO and the Prince George Electric Cooperative.

Said Supplement requests the Commission's approval for changes in the equipment required to serve the delivery point designated as Prince George Delivery Point, located in Prince George County.

VEPCO requests an effective date for the change in service equipment as that of the date of connection of these facilities which occurred on November 25, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before April 6, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-8278 Filed 3-26-82; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[AS-FRL-2085-1; FIFRA Docket No. 502]

Hearing on the Applications To Use Sodium Fluoroacetate (Compound 1080) To Control Predators

In accordance with 40 CFR 164.8, notice is given that a hearing on the captioned proceeding under Section 6 of the Federal Insecticide, Fungicide and Rodenticide Act, as amended (7 U.S.C. 136(d)), will commence at 9:30 a.m. on Tuesday, March 30, 1982, in Room 2409, Waterside Mall, 401 M Street, SW., Washington, D.C. Hearings in this proceeding will also be held in Denver, Colorado and San Angelo, Texas at dates to be announced. The hearing will be conducted in accordance with the Rules of Practice governing hearings under FIFRA (40 CFR Part 164) and in particular Subpart D thereof. Issues to be considered in the hearing are set forth in the Notice published by the Administrator (46 FR No. 234, December 7, 1981, at 59622, et seq.). For information on the several parties to this proceeding and their positions on the various issues, interested persons may examine the file in the office of the Hearing Clerk, Room 3708, Waterside Mall, 401 M Street, SW., Washington, D.C.

Dated this 22d day of March 1982.

Spencer T. Nissen,

Administrative Law Judge.

[FR Doc. 82-8327 Filed 3-26-82; 8:45 am]

BILLING CODE 6560-36-M

FEDERAL COMMUNICATIONS COMMISSION

Financial, Panel of Advisory Committee on Alternative Financing for Minority Opportunities in Telecommunications Sets Meeting for March 29 in Chicago

March 24, 1982.

A meeting of the Financial Panel Task Force of the Advisory Committee on Alternative Financing for Minority Opportunities in Telcommunications will be held on Monday, March 29 at 10 a.m., at the Heller-Oak Communications building, 14th floor training room, 105 West Adams, Chicago, Ill.

For more information call Edmund H. Cardona, special assistant to Commissioner Henry M. Rivers at (202) 632-6996.

Due to the extremely short deadline imposed on the Committee's final report by the FCC, this meeting is being held with less than the normal 15 days notice. The Commission's advisory committee management officer has reviewed this item and concurs in the necessity for the short notice.

Federal Communications Commission.

William J. Tricarico,

Secretary,

[FR Doc. 82-8415 Filed 3-26-82; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-652-DR]

Indiana; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Indiana (FEMA-562-DR), dated March 20, 1982, and related determinations.

DATE: March 20, 1982.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0501.

Notice: Pursuant to the authority vested in the Director of the Federal Emergency Management Agency by the President under Executive Order 12148, effective July 15, 1979, and delegated to me by the Director under Federal Emergency Management Agency delegation of authority, and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter of March 20, 1982, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Indiana resulting from severe storms and flooding beginning on or about March 12, 1982, is of sufficient severity and magnitude to warrant a major disaster declaration under Pub. L. 93-288. I therefore declare that such a major disaster exists in the State of Indiana.

In order to provide Federal assistance, you are hereby authorized to allocate, from funds availale for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses. Consistent with the requirement that Federal assistance be supplemental, the Federal funds under Pub. L. 93-288 will be limited to 75 percent of all eligible public assistance in designated areas except for technical assistance which will be funded at 100 percent. Pursuant to section 408(b) of Pub. L. 93-288, you are authorized to advance to the State its 25 percent share of the individual and family grant program to be repaid to the United States by the State when it is able to do so.

The time period prescribed for the implementation of section 313(a), priority to certain applications for public facility and public housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, and delegated to me by the Director under the Federal Emergency Management Agency delegation of authority, I hereby appoint Mr. Ronald Buddecke of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following area of the State of Indiana to have been affected adversely by this declared major disaster: Allen County for Individual Assistance and Public Assistance.

(Catalog of Federal Domestic Assitance No. 83-300, Disaster Assistance)

[FR Doc. 82-8280 Filed 3-26-82; 8:45 am]

BILLING CODE 6718-02-M

[Docket No. FEMA-REP-4-NC-2]

The North Carolina Radiological Emergency Response Plan For the Brunswick Nuclear Powered Electric Generating Plant

ACTION: Certification of FEMA findings and determination.

In accordance with the FEMA Rule 44 CFR Part 350 (proposed), on February 6, 1981, the State of North Carolina submitted its plans relating to the Brunswick Nuclear Powered Electric Generating Plant to the Regional Director who has forwarded his evaluation to the Associate Director for State and Local Programs and Support, in accordance with § 350.11 of the proposed Rule. Considered in his evaluations of the State and associated local plans were the contiguous State and local plans involved in the 10- and 50-mile emergency planning zones (EPZ's), a critique of the exercise conducted on August 17-19, 1981, in accordance with § 350.9, and a report of the public meeting held on August 20, 1981, to discuss the site-specific aspects of the State and local plans in accordance with § 350.10 of the proposed Rule.

Based on a review of the Region's evaluations by FEMA Headquarters I find and determine that, subject to the condition stated below, State plans and preparedness for the Brunswick Plant are adequate to protect the health and safety of the public living in the vicinty of the plant. There is reasonable assurance that appropriate protective measures can and will be taken offsite in the event of a radiological emergency. The condition for the above approval is that the adequacy of the public alerting and notification system must be verified as called for in the Federal Emergency Management Agency (FEMA)-Nuclear Regulatory Commission (NRC) joint criteria as stated in NUREG-0654/FEMA-REP-1, REV. 1. These findings and determination have been communicated to the Governor of North Carolina.

FEMA will continue to review the status of plans and preparedness of the State and its local jurisdictions associated with the Brunswick plant in accordance with § 350.13 of the proposed Rule.

For further details with respect to this action, refer to Docket File FEMA-REP-4-NC-2 for Brunswick maintained by the FEMA Regional Director at 1375 Peachtree Street NE., Atlanta, Georgia 30309.

Dated: March 16, 1982.

For the Federal Emergency Management Agency.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-8279 Filed 3-26-82; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL MARITIME COMMISSION

Privacy Act of 1974; Proposed New Systems of Records

AGENCY: Federal Maritime Commission.

ACTION: Proposed new systems of records.

SUMMARY: This notice proposes the establishment of two new systems of records relating to agency consumer complaint handling and to agency Inspector General activities.

COMMENTS: April 28, 1982.

ADDRESS: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

INQUIRIES OF FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573, (202) 523-5725.

SUPPLEMENTARY INFORMATION: Notice is given that, pursuant to 5 U.S.C. 552 of the Privacy Act of 1974, the Commission proposes to adopt the following additional systems of records. Interested parties may participate by filing with the Secretary, Federal Maritime Commission, an original and 15 copies of their views and comments pertaining to the notice. All suggestions for changes in the text should be accompanied by drafts of the language thought necessary to accomplish the desired changes and should be accompanied by supportive statements and arguments. If no comments are received within the prescribed time the proposed systems will become effective within 60 days of publication of this notice, unless an announcement to the contrary is published by the Commission. New system reports for these proposed systems were filed on March 23, 1982.

By the Commission.

Francis C. Hurney,

Secretary.

FMC-24

SYSTEM NAME:

Consumer Complaint File.

SYSTEM LOCATION:

Office of Consumer Affairs, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Consumers complaining against business entities regulated by the Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of complaints and correspondence developed in their resolution, complaint tracking logs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 12160, September 26, 1979.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in this system of records is used or may be used: 1. To determine whether a complaint can be resolved by staff in various bureaus and offices. 2. To determine whether a complaint can be resolved by a business entity regulated by the Commission. 3. To determine whether the complaint can be resolved by reference to another agency at the federal, state or local level. 4. To provide information to the Commission on developments or trends in the character of complaints which might suggest policy directions, proposed rules or programs.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are serially numbered and indexed by complainant and defendant.

SAFEGUARDS:

Records are maintained in locked file cabinets

RETENTION AND DISPOSAL:

Records are maintained by the Federal Maritime Commission for one year, then transferred to the National Records Center. They are destroyed when four years old.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Consumer Affairs, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

NOTIFICATION PROCEDURE:

All inquiries regarding this system of records should be addressed to: Privacy Act Officer, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

RECORD ACCESS PROCEDURES:

Request for access to a record should be directed to the Privacy Act Officer listed at the above address. Requests may be made in person or by mail and shall meet the requirements set out in section 503.65 of Title 46 of the Code of Federal Regulations.

CONTESTING RECORD PROCEDURES:

An individual desiring to amend a record shall direct such request to the Privacy Act Officer at the above listed address. Such requests shall specify the desired amendments and the reasons therefore, and shall meet the requirements of section 503.66 of Title 46 of the Code of Federal Regulations.

RECORD SOURCE CATEGORIES:

Consumers who have filed complaints.

FMC—25

SYSTEM NAME:

Inspector General File.

SYSTEM LOCATION:

Office of Management Evaluation and Review, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former employees of the Federal Maritime Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains final Inspector General reports along with supporting documentation, including working papers and follow-up communications and data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C.A. 3101 *et seq.* and the regulations issued pursuant thereto.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. By the Inspector General and authorized officials in conducting audits and investigations to identify and prevent waste, fraud and abuse in agency programs, management and operations, and to take appropriate actions. 2. To refer where there is an indication of a violation or potential violation of law, whether civil or criminal or regulatory in nature, to the appropriate agency, whether federal, state, or local, charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto. 3. 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, by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are indexed by investigation subject/title.

SAFEGUARDS:

Records are maintained in a locked safe.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Inspector General, Office of Management Evaluation and Review, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573.

NOTIFICATION PROCEDURE:

All inquiries regarding this system of records should be addressed to: Privacy Act Officer, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

RECORD ACCESS PROCEDURES:

Requests for access to a record should be directed to the Privacy Act Officer listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in section 503.65 of Title 46 of the Code of Federal Regulations.

CONTESTING RECORD PROCEDURES:

An individual desiring to amend a record shall direct such a request to the Privacy Act Officer at the above listed address. Such request shall specify the desired amendments and the reasons therefor, and shall meet the requirements of section 503.66 of Title 46 of the Code of Federal Regulations.

RECORD SOURCE CATEGORIES:

Management Analysis staff, agency employees, reports and contracts from other agencies, and internal and external documents.

[FR Doc. 82-8078 Filed 3-26-82; 8:45 am]
BILLING CODE 6730-01-M

Privacy Act of 1974; Systems of Records; Annual Publication

AGENCY: Federal Maritime Commission.

ACTION: Annual notice of systems of records.

SUMMARY: This notice meets the requirement of the Privacy Act of 1974, regarding the annual publication of an agency's notice of systems of records.

INQUIRIES OR FURTHER INFORMATION CONTACT:

Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573, (202) 523-5725.

SUPPLEMENTARY INFORMATION: This notice describes the character and gives notice of the systems of records maintained by the Federal Maritime Commission. This agency previously noticed its systems of records by publication in the **Federal Register** at 42 FR 48131, as amended by additional systems of records at 44 FR 5941 and 44 FR 10629.

Previously noticed systems FMC—3, FMC—4, FMC—5, FMC—11, FMC—12, FMC—13, and FMC—17 have been deleted from this publication because it has been determined that they either no longer exist or are not systems of records as defined by law, in that information therein is not retrievable by the name of an individual or other identifying number, symbol or particular. Other minor changes in the notices have been made which are of an editorial nature which reflect changes in nomenclature or update the description of retention periods.

Fianlly, two new systems, FMC—24 and FMC—25, are included in this document. These systems are concurrently being noticed as proposed systems, to be effective in 60 days unless an announcement to be contrary is published by this agency. A new system report for these two systems was filed on March 23, 1982.

By the Commission.

Francis C. Hurney,

Secretary.

FMC—1 Personnel Security File
FMC—2 Non-Attorney Practitioner File
FMC—6 Special Training Agreement File
FMC—7 Individual Licensed Independent Ocean Freight Forwarders File
FMC—8 Official Personnel Folder
FMC—9 Training Program Records
FMC—10 Desk Audit File
FMC—14 Medical Examination File
FMC—15 Service Control File
FMC—16 Classification Appeals File
FMC—18 Travel Orders/Vouchers File
FMC—19 Confidential Statement of Employment and Financial Interests
FMC—20 Management and Program Evaluation File
FMC—21 Payroll Records
FMC—22 Investigatory Files
FMC—23 Parking Applications
FMC—24 Consumer Complaint File
FMC—25 Inspector General File

FMC—1

SYSTEM NAME:

Personnel Security File—FMC.

SYSTEM LOCATION:

Bureau of Hearings and Field Operations, Office of Investigations, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

1. Employees of the Federal Maritime Commission. 2. Applicants for employment with the Federal Maritime Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

Results of name checks, inquiries, and investigations to determine suitablity for employment with the U.S. Government.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10450.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The records in this system of records are used or may be used: 1. By Commission officials to make a determination that the employment of an applicant or retention of employment of a current employee within the Commission is clearly consistent with the interests of national security. 2. To refer where there is an indication of a violation or potential violation of law, whether civil or 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. 3. To request information from a federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information if necessary to obtain information relevant to a Commission 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. 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 the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on that matter. 5. By a court of law or

appropriate administrative board or hearing having review or oversight authority.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are indexed alphabetically by name.

SAFEGUARDS:

Records are maintained in a combination safe in the custody of the personnel security officer and access is limited to the personnel security officer and his duly authorized representatives.

RETENTION AND DISPOSAL:

Records are maintained during employment of the individual by the Federal Maritime Commission. Upon termination of employment, any reports furnished by the Office of Personnel Management are returned to that agency. All other records are destroyed within 30 days after the employee leaves.

SYSTEM MANAGER(S) AND ADDRESS:

Security Officer, Federal Maritime Commission, 1100 L St., NW., Washington, D.C. 20573.

NOTIFICATION PROCEDURE:

All inquiries regarding this system of records should be addressed to: Privacy Act Officer, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

RECORD ACCESS PROCEDURES:

Requests for access to a record should be directed to the Privacy Act Officer listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in § 503.65 of Title 46 of the Code of Federal Regulations.

CONTESTING RECORD PROCEDURES:

An individual desiring to amend a record shall direct such request to the Privacy Act Officer at the above listed address. Such requests shall specify the desired amendments and the reasons therefor, and shall meet the requirements of § 503.66 of title 46 of the Code of Federal Regulations.

RECORD SOURCE CATEGORIES:

Office of Personnel Management report, and reports from other federal agencies.

FMC—2

SYSTEM NAME:

Non-Attorney Practicioner File—FMC.

SYSTEM LOCATION:

Office of Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons, not attorneys, who apply for and/or are granted permission to practice before the Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application forms and letters of reference in relation to non-attorney practicioners.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

46 CFR 502.27.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The records in this system of records are used or may be used: 1. By personnel of the Secretary's Office to determine whether a non-attorney should be admitted to practice before the Commission. 2. To refer where there is an indication of a violation or potential violation of law, whether civil or criminal or regulatory in nature, to the appropriate agency, whether federal, state, or local, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto. 3. To request information from a federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information if necessary to obtain information relevant to a Commission 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 security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. 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 the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are indexed alphabetically by name.

SAFEGUARDS:

Records are maintained in file cabinets under the control of personnel in the Secretary's Office.

RETENTION AND DISPOSAL:

Records are maintained in the Office of the Secretary for 10 years after applicant ceases to practice and then are transferred to the Federal Records Center. Destroyed 20 years thereafter.

SYSTEM MANAGER(S) AND ADDRESS:

Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

NOTIFICATION PROCEDURE:

All inquiries regarding this system of records should be addressed to: Privacy Act Officer, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

RECORD ACCESS PROCEDURES:

Requests for access to a record should be directed to the Privacy Act Officer listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in § 503.65 of Title 46 of the Code of Federal Regulations.

CONTESTING RECORD PROCEDURES:

An individual desiring to amend a record shall direct such a request to the Privacy Act Officer at the above listed address. Such requests shall specify the desired amendments and the reasons therefor, and shall meet the requirements of § 503.66 of Title 46 of the Code of Federal Regulations.

RECORD SOURCE CATEGORIES:

Applicants.

FMC—6

SYSTEM NAME:

Special Training Agreement File—FMC.

SYSTEM LOCATION:

Office of Personnel, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Federal Maritime Commission

CATEGORIES OF RECORDS IN THE SYSTEM:

This record contains information on employees of the Commission for whom special training agreements have been entered into in cases of involuntary position downgrading. They contain chronological copies of correspondence concerning this matter.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101 et seq., 5 U.S.C. 4118, 5 CFR 410.901.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system of records are used or may be used: 1. By Commission personnel staff for reference purposes. 2. by the Office of Personnel Management for the purposes of personnel review and evaluation, and management analysis. 3. By the General Accounting Office for fiscal accountability purposes. 4. To request information from a federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information if necessary to obtain information relevant to a Commission decision concerning 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. 5. 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 by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are indexed alphabetically by name.

SAFEGUARDS:

Records are maintained in locked file cabinets.

RETENTION AND DISPOSAL:

Records are maintained for three years, then burned.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

NOTIFICATION PROCEDURE:

All inquiries regarding this system of records should be addressed to: Privacy Act Officer, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

RECORD ACCESS PROCEDURES:

Requests for access to a record should be directed to the Privacy Act Officer listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in § 503.65 of Title 46 of the Code of Federal Regulations.

CONTESTING RECORD PROCEDURES:

An individual desiring to amend a record shall direct such request to the Privacy Act Officer at the above listed address. Such request shall specify the desired amendments and the reasons therefor, and shall meet the requirements of § 503.66 of Title 46 of the Code of Federal Regulations.

RECORD SOURCE CATEGORIES:

Personnel specialists of the Commission.

PRIVACY ACT ISSUANCE FMC–7

SYSTEM NAME:

Individual Licensed Independent Ocean Freight Forwarders File—FMC.

SYSTEM LOCATION:

Bureau of Certification and Licensing, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records are maintained on individual licensees, exlicensees, and applicants for licenses.

CATEGORIES OF RECORDS IN THE SYSTEM:

This record contains the names and addresses, as well as the names and addresses of the stockholders, officers, directors, of individual freight forwarders; descriptions of the relationships the freight forwarder may have with other business entities; credit references; a record of the forwarder's past experience in forwarding; and any financial information and/or criminal convictions pertinent to the licensing of the forwarder.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Shipping Act of 1916 (46 U.S.C. 801 et seq.), FMC General Order 4 (46 CFR Part 510).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system of records are used or may be used: 1. By Commission staff for evaluation of applications for licensing. 2. By Commission staff for monitoring the activities of licensees to ensure they are in compliance with Commission regulations. 3. To refer, where there is an indication of a violation or potential violation of law whether civil or 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, rules, regulations, or orders issued pursuant thereto. 4. To request information from a federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information if necessary to obtain information relevant to a Commission 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. 5. 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 the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are indexed by name and license or application number.

SAFEGUARDS:

Records are maintained in an area of restricted accessibility.

RETENTION AND DISPOSAL:

Applicant and licensee files are kept as long as the application and/or license is active. Files for withdrawn and denied applicants, and revoked licenses remain in the Record Location Center for one year after final action and are then transferred to the Federal Records Center. Then, after ten years the files are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Bureau of Certification and Licensing, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

NOTIFICATION PROCEDURE:

All inquiries regarding this system of records should be addressed to: Privacy Act Office, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

RECORD ACCESS PROCEDURES:

Requests for access to a record should be directed to the Privacy Act Officer listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in § 502.65 of Title 46 of the Code of Federal Regulations.

CONTESTING RECORD PROCEDURES:

An individual desiring to amend a record shall direct such request to the Privacy Act Officer at the above listed address. Such requests shall specify the desired amendments and the reasons therefor, and shall meet the requirements of § 503.66 of Title 46 of the Code of Federal Regulations.

RECORD SOURCE CATEGORIES:

1. Information submitted by applicants and licensess. 2. Commission District Offices. 3. General Public (example complaints).

FMC—8

SYSTEM NAME:

Official Personnel Folder—FMC.

SYSTEM LOCATION:

Office of Personnel, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Federal Maritime Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

Official personnel folders contain the permanent records and reports of personnel actions affecting an individual's employment with the federal government, and the papers required in connection with these actions. The folder also consists of temporary documents that may lead to formal action but not constituing a permanent record in the empoyees file (e.g., requests for personnel actions, letters of reference, performance ratings etc.)

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10561, September 14, 1954, 5 U.S.C. 2951, 5 CFR 293.202.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in this system of records is used or may be used: 1. By Commission officials for purposes of taking personnel action such as appointments, transfers, promotions, new assignments, or for a determination of the individual's qualifications. 2. By the Office of Personnel Management in the course of an investigation of a particular employee of the Commission, or for review by the Merit Systems Protection Board. 3. By the appropriate District Court of the United States to render a decision when the Commission has refused to release a current or former employee's record under the Freedom of Information Act, or to render a decision on a position classification appeal. 4. To refer where there is an indication, of a violation or potential violation of law, whether civil or 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, rules, regulation or order issued pursuant thereto. 5. To request information from a federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information, if necessary to obtain information relevant to a Commission decision concerning 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. 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 issuance of a security clearance, 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.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are indexed alphabetically by name.

SAFEGUARDS:

Records are stored in locked file cabinets.

RETENTION AND DISPOSAL:

The official personnel folder is retained only while the individual is employed by the Commission. Upon leaving the agency, the individual's record is either forwarded to the new employing agency, or the Federal Reords Center.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

NOTIFICATION PROCEDURE:

All inquiries regarding this system of records should be addressed to: Privacy Act Officer, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

RECORD ACCESS PROCEDURES:

Requests for access to a record should be directed to the Privacy Act Officer listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in § 503.65 of Title 46 of the Code of Federal Regulations.

CONTESTING RECORD PROCEDURES:

An individual desiring to amend a record shall direct such requests to the Privacy Act Officer at the above listed address. Such requests shall specify the desired amendment and the reasons therefor, and shall meet the requirements of § 503.66 of Title 46 of the Code of Federal Regulations.

RECORD SOURCE CATEGORIES:

Information is supplied by the individual to whom the record pertains and personnel specialists, and other federal agencies.

FMC–9

SYSTEM NAME:

Training Program Records—FMC.

SYSTEM LOCATION:

Office of Personnel, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Federal Maritime Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain purchase orders on agency employees for whom training courses have been obtained, training

needs assessments, and records of training received.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101 et seq., 5 U.S.C. 4118, 5 CFR 410.901.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records in this system of records are used or may be used: 1. By Commission officials, personnel specialists, managers, supervisors, and employees for position management and classification, or for analysis, reference and reporting purposes; 2. By authorized representatives of the Office of Personnel Management for personnel program status reviews and evaluations, to determine an individual's qualifications or classification, and for management analysis purposes; 3. By the General Accounting Office for fiscal accountability purposes; 4. By employees of the Office of Administrative Service and Office of Budget and Financial Management for budgetary obligation and accounting purposes; 5. By instructors, staff aides, course developers, guest lecturers, or course consultants and employees of the training facilities through which the requested training may be offered; 6. To request information from a federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information if necessary to obtain information relevant to a Commission 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; 7. To provide information or disclosure 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 by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are maintained by the purchase order number and fiscal year, employee name, or position title.

SAFEGUARDS:

Records are maintained in locked file cabinets.

RETENTION AND DISPOSAL:

Records are kept for a period of five years or when superseded or obsolete, whichever is sooner, after which they are burned.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

NOTIFICATION PROCEDURE:

All inquiries regarding this system of records should be addressed to: Privacy Act Officer, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

RECORD ACCESS PROCEDURES:

Requests for access to a record should be directed to the Privacy Act Officer listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in § 503.65 of Title 46 of the Code of Federal Regulations.

CONTESTING RECORD PROCEDURES:

An individual desiring to amend a record shall direct such request to the Privacy Act Officer at the above listed address. Such requests shall specify the desired amendments and the reasons therefor, and shall meet the requirements of § 503.66 of Title 46 of the Code of Federal Regulations.

RECORD SOURCE CATEGORIES:

Personnel specialists of the Commission.

FMC—10

SYSTEM NAME:

Desk Audit File—FMC.

SYSTEM LOCATION:

Office of Personnel, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees of the Federal Maritime Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

Each record consits of the position classification, specialists notes of conversations, evaluation reports, background papers, and/or research material used to support the audit.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101 et seq., 5 U,.S.C. 1302 and the regulations issued pursuant thereto.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in this system of records is used or may be used: 1. By Commission officials to support decisions on the proper classification of a position. 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, rule, regulation or order issued pursuant thereto. 3. To request information from a federal, state or local agency maintaining civil, criminal, or other relevant enforcement information if necessary to obtain information relevant to a Commission decision concerning 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. 4. To provide information or disclose to a federal agency in response to its request in connection with the hiring or retention of any employee, the issuance of a security clearance, 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. 5. By the Office of Personnel Management in the course of an investigation, or evaluating for statistical purposes, or management analysis purposes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

Records Management Policy and Practice.

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are indexed alphabetically by name.

SAFEGUARDS:

Records are maintained in locked file cabinets.

RETENTION AND DISPOSAL:

Records are maintained as long as the position audited remains essential, current, and accurate.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

NOTIFICATION PROCEDURE:

All inquiries regarding this system of records should be addressed to: Privacy Act Officer, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

RECORD ACCESS PROCEDURES:

Requests for access to a record should be directed to the Privacy Act Officer listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in § 503.65 of Title 46 of the Code of Federal Regulations.

CONTESTING RECORD PROCEDURES:

An individual desiring to amend a record shall direct such a request to the Privacy Act Officer at the above listed address. Such requests shall specify the desired amendments and the reasons therefor, and shall meet the requirements of § 503.66 of Title 46 of the Code of Federal Regulations.

RECORD SOURCE CATEGORIES:

Personnel specialists of the Commission.

FMC–14

SYSTEM NAME:

Medical Examination File—FMC.

SYSTEM LOCATION:

Office of Personnel, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Federal Maritime Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of current and past medical examinations which were done in connection with employment of an individual by the Commission.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101 et seq., 5 U.S.C. 1302 and the regulations issued pursuant thereto.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The records in this system of records are used or may be used: 1. To provide information to officials of other federal agencies responsible for other federal benefit programs administered by: A. Office of Workmen's Compensation. B. Veterans Administration. C. Retired Military Pay Centers. D. Social Security Administration. E. Specific private contractors engaged in providing benefits under federal contracts. 2. To refer where there is indication of a violation or potential violation of law, whether civil or 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 statutes, rules, regulations or order issued pursuant thereto. 3. To request information from a federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information if necessary to obtain information relevant to a Commission 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. 4. To provide information or disclose to a federal agency in response to its request in connection with the hiring or retention of any employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on that matter. 5. By the Office of Personnel Management in the course of an investigation, or evaluating for statistical purposes, or management analysis purposes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are indexed alphabetically by name.

SAFEGUARDS:

Records are maintained in locked file cabinets.

RETENTION AND DISPOSAL:

Records are maintained while the individual is employed by the Federal Maritime Commission, then they are made part of the Office Personnel Folder when the employee separates from the agency.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

NOTIFICATION PROCEDURE:

All inquiries regarding this system of records should be addressed to: Privacy Act Officer, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573.

RECORD ACCESS PROCEDURES:

Requests for access to a record should be directed to the Privacy Act Officer listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in § 503.65 of Title 46 of the Code of Federal Regulations.

CONTESTING RECORD PROCEDURES:

An individual desiring to amend a record shall direct such request to the Privacy Act Officer at the above listed address. Such requests shall specify the desired amendments and the reasons therefor, and shall meet the requirements of § 503.66 of Title 46 of the Code of Federal Regulations.

RECORD SOURCE CATEGORIES:

Employees to whom the record pertains.
Private Physician.
Medical Institutions.
Social Security Administration (Medicare).

FMC—15

SYSTEM NAME:

Service Control File—FMC.

SYSTEM LOCATION:

Office of Personnel, Federal Maritime Commission, 1110 L Street, NW., Washington, D.C. 20573.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Federal Maritime Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

This record consists of a Service Record (standard form 7S) and a Position Identification Strip (standard form 7D). This file provides summary information of organizational structure, budgeted positions, and historical and current status data on employees only for the time they have been with the Commission. The service record of each employee who leaves the agency is filed separately and retained for historical reference.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101 et seq., 5 U.S.C. 1302 and the regulations issued pursuant thereto.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in this system of records is used or may be used: 1. By appropriate Commission officials for personnel actions such as within grade increases, conversions to career tenure,

probationary ratings, terminations of limited assignments, and expiration of authorized absences. 2. By the Office of Personnel Management in the course of an investigation of a particular employee of the Commission, or for management analysis and statistical purposes. 3. To request information from a federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information if necessary to obtain information relevant to a Commission decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, the issuance of a license, grant or other benefit. 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 the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on index cards.

RETRIEVABILITY:

Records are indexed alphabetically by name.

SAFEGUARDS:

Records are maintained in locked file cabinets.

RETENTION AND DISPOSAL:

Records are maintained while the individual is employed by the Commission and for thirty years afterwards, after which they are burned.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

NOTIFICATION PROCEDURE:

All inquiries regarding this system of records should be addressed to: Privacy Act Officer, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

RECORD ACCESS PROCEDURE:

Requests for access to a record should be directed to the Privacy Act Officer listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in § 503.65 of Title 46 of the Code of Federal Regulations.

CONTESTING RECORD PROCEDURES:

An individual desiring to amend a record shall direct such a request to the Privacy Act Officer at the above listed address. Such requests shall specify the desired amendments and the reasons therefor, and shall meet the requirements of § 503.66 of Title 46 of the Code of Federal Regulations.

RECORD SOURCE CATEGORIES:

Personnel specialists of the Federal Maritime Commission.

FMC—16

SYSTEM NAME:

Classification Appeals File—FMC.

SYSTEM LOCATION:

Office of Personnel, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Commission employees who have made position classification appeals.

CATEGORIES OF RECORDS IN THE SYSTEM:

This record contains all notes, letters, memoranda, reports and position descriptions pertaining to an appeal of an individual employee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 4101 et seq., 5 U.S.C. 1302, and 5 CFR 713.222.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This record is used or may be used: 1. By appropriate Commission officials to make a determination regarding a position classification appeal. 2. By the Office of Personnel Management for the purpose of review by the Classification Appeals Office. 3. By the Appropriate District Court of the United States for the purpose of review of a final action taken on an appeal. 4. To refer where there is an indication of a violation or potential violation of law, whether civil or criminal or regulatory in nature, to the appropriate agency, whether federal, state or local, charged with the responsibility of investigating or prosecuting such violations 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 information if necessary to obtain information relevant to a Commission decision concerning 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. 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 issuance of a security clearance, 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. By the Office of Personnel Management in the course of an investigation, or evaluating for statistical purposes, or for management analysis purposes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are indexed alphabetically by name.

SAFEGUARDS:

Records are maintained in file cabinets in a locked room, with 24-hour building security guards.

RETENTION AND DISPOSAL:

Records are maintained until the appeal is settled then they are filed in the correspondence and communications file.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

NOTIFICATION PROCEDURE:

All inquiries regarding this system of records should be addressed to: Privacy Act Officer, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

RECORD ACCESS PROCEDURES:

Requests for access to a record should be directed to the Privacy Act Officer listed at the above address. Requests may be made in person or by mail and shall meet the requirements set out in § 503.65 of Title 46 of the Code of Federal Regulations.

CONTESTING RECORD PROCEDURES:

An individual desiring to amend a record shall direct such a request to the Privacy Act Officer at the above listed address. Such requests shall specify the desired amendments and the reasons therefor, and shall meet the requirements of § 503.66 of Title 46 of the Code of Federal Regulations.

RECORD SOURCE CATEGORIES:

Employee to whom file pertains, personnel specialists of the Commission.

FMC—18

SYSTEM NAME:

Travel Orders/Vouchers File—FMC.

SYSTEM LOCATION:

Office of Budget and Financial Management, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573.

Office of the Chairman, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Federal Maritime Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

The record consists of the initial travel order for the individual and the subsequent travel voucher prepared from information supplied by the individual which includes hotel bills, subsistence breakdown, cab fares and air fares.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Travel Regulations FPMR 101–7 and Travel Expense Amendments Act of 1975 (5 U.S.C. 5701–5709), 44 U.S.C. 4101, 5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system of records are used or may be used:

1. By the Commission for the authorization of travel performed by personnel of the Commission.

2. By the Commission to prepare travel vouchers for submission to GSA and to maintain internal control of travel expenses within the agency.

3. To refer where there is an indication of a violation or potential violation of law, whether civil or criminal 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 prusuant thereto.

4. By the Commission to request information from a federal, state, or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, if necessary to obtain information relevant to a Commission decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letter of a contract or the issuance of a license, grant, or other benefit.

5. 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 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.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are indexed by name or bureau.

SAFEGUARDS:

Records are maintained in locked file cabinets and monitored by the Director of the Office of Budget and Financial Management.

RETENTION AND DISPOSAL:

The records are maintained for four years and are then destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Budget and Financial Management, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573.

NOTIFICATION PROCEDURE:

All inquiries regarding this system of records should be addressed to: Privacy Act Officer, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573.

RECORD ACCESS PROCEDURES:

Requests for access to a record should be directed to the Privacy Act Officer listed at the above address. Requests may be in person or by mail and shall meet the requirements of § 503.65 of Title 46 of the Code of Federal Regulations.

CONTESTING RECORD PROCEDURES:

An individual desiring to amend a record shall direct such request to the above listed address. Such requests shall specify the desired amendments and the reasons therefor, and shall meet the requirements of § 503.66 of Title 46 of the Code of Federal Regulations.

RECORD SOURCE CATEGORIES:

Individual to whom the record pertains, hotel bills, individual's subsistence record, and Travel Requests (Airline or train).

FMC—19

SYSTEM NAME:

Confidential Statement of Employment and Financial Interests—FMC.

SYSTEM LOCATION:

Office of General Counsel, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Federal Maritime Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

This record contains statements of personal and family financial and business interests, copies of blind trusts and other agreements pertaining to such interests, business creditors, and interests in real property.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 11222 (May 8, 1965).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system of records are used or may be used:

1. To refer where there is an indication of a violation or potential violation of law, whether civil or criminal 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. By the Commission to request information from a federal, state, or local agency maintaining civil, criminal or other relevant enforcement or other pertinent information, if necessary to obtain information relevant to a Commission 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. 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 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.

4. By the Commission in the course of presenting evidence to a court, magistrate, or administrative tribunal.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are indexed alphabetically by name.

SAFEGUARDS:

Records are maintained in a locked file cabinet.

RETENTION AND DISPOSAL:

Records are maintained during the individual's employment and for five years thereafter; they are then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Ethics Counselor, Office of General Counsel, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

NOTIFICATION PROCEDURE:

All inquiries regarding this system of records should be addressed to: Privacy Act Officer, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

RECORD ACCESS PROCEDURE:

Requests for access to a record should be directed to the Privacy Act Officer listed at the above address. Requests may be in person or by mail and shall meet the requirements of § 503.65 of Title 46 of the Code of Federal Regulations.

CONTESTING RECORD PROCEDURES:

An individual desiring to amend a record shall direct such request to the above listed address. Such requests shall specify the desired amendments and the reasons therefor, and shall meet the requirements of § 503.66 of Title 46 of the Code of Federal Regulations.

RECORD SOURCE CATEGORIES:

Individual to whom the record pertains.

FMC—20

SYSTEM NAME:

Management and Program Evaluation File.

SYSTEM LOCATION:

Office of Management Evaluation and Review; Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former employees of the Federal Maritime Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains the final reports for management studies along with supporting documentation, including workpapers, and followup communications and data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101 et seq. and the regulations issued pursuant thereto.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. By authorized agency officials in evaluating the effectiveness and efficiency of agency programs and/or organizational components, reviewing agency policies and procedures, and for other managerial purposes; 2. By the CSC or other authorized agencies of the Government in evaluating the FMC in the course of an investigation or evaluation, or for statistical or management analysis purposes; 3. To refer where there is an indication of a violation or potential violation of law, whether civil or criminal or regulatory in nature, to the appropriate agency, whether federal, State, or local, charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto; 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, by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are indexed by program or organizational units.

SAFEGUARDS:

Records are maintained in locked file cabinets.

RETENTION AND DISPOSAL:

Records are closed after the completion of related study or project, transferred to the inactive file and held in the office for 15 years. The records are then transferred to the Records Center and destroyed after another 5 years.

SYSTEM MANAGER(S) AND ADDRESS:

Office of Management Evaluation and Review, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

NOTIFICATION PROCEDURE:

All inquiries regarding this system of records should be addressed to: Privacy Act Officer, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

RECORD ACCESS PROCEDURES:

Requests for access to a record should be directed to the Privacy Act Officer listed at the above address. Requests may be in person or by mail and shall meet the reqiurements set out in § 503.65 of Title 46 of the Code of Federal Regulations.

CONTESTING RECORD PROCEDURES:

An individual desiring to amend a record shall direct such a request to the Privacy Act Officer at the above listed address. Such requests shall specify the desired amendments and the reasons therefor, and shall meet the requirements of § 503.66 of Title 46 of the Code of Federal Regulations.

RECORD SOURCE CATEGORIES:

Management Analysis staff, agency employees, reports and contacts from other agencies, and internal and external documents.

FMC—21

SYSTEM NAME:

Payroll Records—Federal Maritime Commission.

SYSTEM LOCATION:

General Services Administration, Region 3 Office; copies held by the FMC. (GSA holds records for the Federal Maritime Commission under contract.)

CATEGORIES OF RECORDS IN THE SYSTEM:

Varied payroll records, including, among other documents, time and attendance cards; payment vouchers; comprehensive listing of employees; health benefits records, requests for deduction; tax forms, W–2 forms, overtime requests; leave data; retirement records. Records are used by FMC and GSA employees to maintain adequate payroll information for FMC employees, and otherwise by the FMC and GSA employees who have a need for the record in the performance of their duties.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. generally.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Appendix. Records also are disclosed to GAO for audits; to the Internal Revenue Service for investigation; and to private attorneys, pursuant to a power of attorney.

A copy of an employee's Department of the Treasury Form W–2, Wage and Tax Statement, also is disclosed to the State, city, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the State, city, or other local jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, and 5520, or, in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to the Privacy Act Officer, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573. The request must include a copy of the applicable statute or ordinance authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both.

Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed city tax withholding certificates shall be furnished the city in response to written request from an appropriate city official to the Privacy Act Officer.

In the absence of a withholding agreement, the Social Security Number will be furnished only to a taxing jurisdiction which has furnished this agency with evidence of its independent authority to compel disclosure of the Social Security Number, in accordance with section 7 of the Privacy Act, Pub. L. 93–579.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper and microfilm.

RETRIEVABILITY:

Social Security Number.

SAFEGUARDS:

Stored in guarded building; released only to authorized personnel.

RETENTION AND DISPOSAL:

Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Budget and Financial Management, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

NOTIFICATION PROCEDURE:

All inquiries regarding this system of records should be addressed to: Privacy Act Officer, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

RECORD ACCESS PROCEDURES:

Requests for access to a record should be directed to the Privacy Act Officer listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in § 503.65 of Title 46 of the Code of Federal Regulations.

CONTESTING RECORD PROCEDURES:

An individual desiring to amend a record shall direct such a request to the Privacy Act Officer at the above listed address. Such request shall specify the desired amendments and the reasons therefor, and shall meet the requirements of § 503.66 of Title 46 of the Code of Federal Regulations.

RECORD SOURCE CATEGORIES:

The subject individual; the Commission.

APPENDIX—FEDERAL MARITIME COMMISSION

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a "routine use," to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed as a "routine use" to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary, to obtain information relevent to an agency decision concerning the hiring or retention of any employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed 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 license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized offical engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the United States Civil Service Commission in accordance with the agency's responsibility for evaluation and oversight of Federal personnel management.

A record from this system of records may be disclosed to officers and employees of a Federal agency for purposes of audit.

A record from this system of records may be disclosed as a "routine use" to a Member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the request of the individual about whom the record is maintained.

A record from the system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to this agency under agreement with GSA.

FMC–22

SYSTEM NAME:

Investigatory Files—FMC.

SYSTEM LOCATION:

Bureau of Hearings and Field Operations, Office of Investigations, Federal Maritime Commission, 1100 L Street N.W., Washington, D.C. 20573. Records may also be located at FMC Field Offices listed in the Appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records may be maintained on individuals involved in investigations and enforcement actions instituted by the Federal Maritime Commission. These individuals could include employees, owners, officers and

directors of steamship companies, ocean freight forwarders, shippers, consignees, brokers and other entities associated with ocean transportation. Included would be individuals alleged to have violated the Shipping Act, 1916; the Intercoastal Shipping Act, 1933; the Federal Water Pollution Control Act, 1972; the Trans-Alaska Pipeline Authorization Act, 1973; and Pub. L. 89–777, insofar as they relate to certification; and regulations and/or orders of the Commission. Also included would be individual applicants routinely investigated in connection with licenses and certificates issued by the FMC pursuant to its statutory authority.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports from law enforcement or investigative agencies, investigators, or sources of information; investigative and intelligence data; documented violations; warning letters and information regarding applications for certification and licensing, if appropriate. Includes any information on alleged or proven violators of the statutes or parts thereof over which the FMC has jurisdiction.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Shipping Act, 1916, and Intercoastal Shipping Act, 1933 (46 U.S.C. 801 and 843).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. In the event that a system of records maintained by the FMC to carry out its functions indicates a violation or potential violation of law or contract, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. A record from this system of records may be disclosed, as a routine use, to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an FMC decision concerning the assignment, hiring or retention of an individual, the issuance of a security clearance, or the issuance of a license, grant or other benefit.

3. A record from this system of records may be disclosed, as a routine use, to a Federal, State, local or international agency, in response to its request, in connection with the assignment, hiring or retention of an individual, the issuance of a security clearance, the reporting of an investigation of an individual, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court magistrate or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

5. A record in this system of records may be disclosed, as a routine use to either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of such joint committee.

6. A record in this system of records may be disclosed, as a routine use, to the Department of Justice in connection with determining whether disclosure thereof is required by the Freedom of Information Act (5 U.S.C. 552).

7. A record in this system may be transferred, as a routine use, to the Office of Personnel Management for personnel research purposes; as a data source for management information; for the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained; or for related manpower studies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in paper form in filing cabinets.

RETRIEVABILITY:

Information filed by case of subject file. Records pertaining to individuals are accessed by reference to the Bureau of Enforcement's name—relationship index system.

SAFEGUARDS:

Records are located in locked metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access. Files are maintained in buildings that have 24 hour security guards.

RETENTION AND DISPOSAL:

(a) Office of Investigations—Records are retained for 7 years after case is closed then transferred to the Federal Records Center. Records are destroyed 14 years after case is closed. (b) Field Offices—Records are destroyed 7 years after case is closed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Investigations, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573.

RECORD ACCESS PROCEDURES:

Persons wishing to obtain information on the procedures for gaining access to records, contesting the contents of these records, or appealing initial determinations, may contact or address their inquiries to: Privacy Act Officer, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573.

CONTESTING RECORD PROCEDURES:

See record access procedures above.

RECORD SOURCE CATEGORIES:

Individual shippers, carriers, freight forwarders, those authorized by the individual to furnish information, trade sources, investigative agencies, investigative personnel of the Bureau of Hearings and Field Operations and the Commission Field Offices, and other sources of information.

Appendix

Atlantic District, Federal Maritime Commission, 6 World Trade Center, Suite 614, New York, New York 10048–0949
Pacific District, Federal Maritime Commission, 525 Market Street, Suite 2520, San Francisco, CA 94105
Gulf District, Federal Maritime Commission, P.O. Box 30550, New Orleans, LA 70190
Great Lakes District Office, Federal Maritime Commission, Customs Building, 610 South Canal Street, Chicago, IL 60607
Puerto Rico District Office, Federal Maritime Commission, U.S. District Courthouse, Federal Office Building, Rm. 762, Carlos Cardon Street, Hato Rey, Puerto Rico 00918–2254
Mid Atlantic Office, Federal Maritime Commission, 1100 L Street, N.W., Room 9102, Washington, D.C. 20573

FMC–23

SYSTEM NAME:

Parking Application—FMC.

SYSTEM LOCATION:

Office of Administrative Services, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and their carpool members desiring agency controlled parking.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names; office locations and telephone numbers; home addresses; make, year, model, and license number of vehicles; carpool usage; handicap and special designations, signatures.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Property Management Regulations § 101–20.111 and § 101–20.117.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Agency employees responsible for allocation and control of parking spaces, and to assist in creating carpools.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

By applicant name or space assignment.

SAFEGUARDS:

Records are maintained in a file cabinet in a locked room, with 24 hour building security guards.

RETENTION AND DISPOSAL:

Records voided upon update or parking permit cancellation, Files destroyed after second overall reallocation of permits.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Administrative Services, Federal Maritime Commission, 1100 L St., N.W., Washington, D.C. 20573.

NOTIFICATION PROCEDURE:

All inquiries regarding this system of records should be addressed to: Privacy Act Officer, Federal Maritime Commission, 1100 L St., N.W., Washington, D.C. 20573.

RECORD ACCESS PROCEDURE:

Requests for access to a record should be directed to the Privacy Act Officer listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in § 503.65 of Title 46 of the Code of Federal Regulations.

CONTESTING RECORD PROCEDURES:

An individual desiring to amend a record shall direct such a request to the Privacy Act Officer at the above listed address. Such request shall specify the desired amendments and the reasons therefor, and shall meet the requirements of § 503.66 of Title 46 of the Code of Federal Regulations.

RECORD SOURCE CATEGORIES:

Individuals to whom the records pertain.

FMC–24

SYSTEM NAME:

Consumer Complaint File.

SYSTEM LOCATION:

Office of Consumer Affairs, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Consumers complaining against business entities regulated by the Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of complaints and correspondence developed in their resolution, complaint tracking logs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 12160, September 26, 1979.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in this system of records is used or may be used: 1.To determine whether a complaint can be resolved by staff in various bureaus and offices. 2. To determine whether a complaint can be resolved by a business entity regulated by the Commission. 3. To determine whether the complaint can be resolved by reference to another agency at the federal, state or local level. 4. To provide information to the Commission on developments or trends in the character of complaints which might suggest policy directions, proposed rules or programs.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are serially numbered and indexed by complainant and defendant.

SAFEGUARDS:

Records are maintained in locked file cabinets.

RETENTION AND DISPOSAL:

Records are maintained by the Federal Maritime Commission for one year, then transferred to the National Records Center. They are destroyed when four years old.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Consumer Affairs, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573.

NOTIFICATION PROCEDURE:

All inquiries regarding this system of records should be addressed to: Privacy Act Officer, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573.

RECORD ACCESS PROCEDURES:

Requests for access to a record should be directed to the Privacy Act Officer listed at the above address. Requests may be made in person or by mail and shall meet the requirements set out in § 503.65 of Title 46 of the Code of Federal Regulations.

CONTESTING RECORD PROCEDURES:

An individual desiring to amend a record shall direct such request to the Privacy Act Officer at the above listed address. Such requests shall specify the desired amendments and the reasons therefor, and shall meet the requirements of § 503.66 of Title 46 of the Code of Federal Regulations.

RECORD SOURCE CATEGORIES:

Consumers who have filed compliants.

FMC—25

SYSTEM NAME:

Inspector General File.

SYSTEM LOCATION:

Office of Management Evaluation and Review, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former employees of the Federal Maritime Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains final Inspector General reports along with supporting documentation, including working papers and follow-up communications and data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101 *et seq.* and the regulations issued pursuant thereto.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. By the Inspector General and authorized officials in conducting audits and investigations to identify and prevent waste, fraud and abuse in

agency programs, management and opertions, and to take appropriate actions. 2. To refer where there is an indication of a violation or potential violation of law, whether civil or cirminal or regulatory in nature, to the appropriate agency, whether federal, state, or local, charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto. 3. 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, by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are indexed by investigation subject/title.

SAFEGUARDS:

Records are maintained in a locked safe.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Inspector General, Office of Management Evaluation and Review, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573.

NOTIFICATION PROCEDURE:

All inquiries regarding this system of records should be addressed to: Privacy Act Officer, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573.

RECORD ACCESS PROCEDURES:

Requests for access to a record should be directed to the Privacy Act Officer listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in § 503.65 of Title 46 of the Code of Federal Regulations.

CONTESTING RECORD PROCEDURES:

An individual desiring to amend a record shall direct such a request to the Privacy Act Officer at the above listed address. Such request shall specify the desired amendments and the reasons therefor, and shall meet the requirements of § 503.66 of Title 46 of the Code of Federal Regulations.

RECORD SOURCE CATEGORIES:

Management Analysis staff, agency employees, reports and contracts from other agencies, and internal and external documents.

[FR Doc. 82-8079 Filed 3-26-82; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 82-20; Agreement No. 9929]

Combi Line Joint Service; Order To Show Cause

Agreement No. 9929 is a cooperative working arrangement between Hapag-Lloyd A.G. and Intercontinental Transport, B.V. (ICT), two common carriers by water in the foreign commerce of the United States (Proponents). The Agreement was originally approved pursuant to section 15 of the Shipping Act, 1916 (46 U.S.C. 814) on May 6, 1971. As modified on June 5, 1979, 21 F.M.C. 1030, *reversed in part, Sea-Land Service, Inc.* v. *Federal Maritime Commission*, 653 F.2d 544 (D.C. Cir. 1981), Agreement No. 9929 authorizes the Proponents to conduct a two-vessel LASH barge joint service trading under the name of "Combi Line" between Europe and the Untied States Gulf Coast.

After one of the Proponents' two LASH vessels was lost at sea in late 1978, only one vessel was operated in the Combi Line service until early 1981, when the Proponents suspended operations entirely because the remaining vessel was placed on a long-term charter by its owner, Intercontinental Transport.[1] Although this charter could be terminated in 1983, it is intended to last "much longer." [2]

Agreement No. 9929 does not proivde for extended periods of inactivity. Continued approval of the Agreement under the circumstances is inappropriate in that it no longer represents an active working arrangement between the Proponents and does not meet a serious transportation need, important public benefit or valid regulatory purpose.

Therefore, it is ordered, That pursuant to sections 15 and 22 of the Shipping Act, 1916 (46 U.S.C. 814 and 821), Hapag-Lloyd, A.G., and Intercontinental Transport, B.V., are named Respondents in this proceeding and shall show cause why Agreement No. 9929, as amemded, should not be cancelled;

It is further ordered, That this proceeding is limited to the submission of affidavits of fact and memoranda of law and replies thereto. Should any party beleive an evidentiary hearing is required, that party must accompany any such request with a statement describing in detail the facts to be proven, their relevance to the issues in this proceeding and why such proof cannot be submitted through affidavit. Affidavits and memoranda shall be filed by Respondents and served upon all other parties of record no later than close of business April 30, 1982. Reply affidavits and memoranda shall be filed by the Commission's Bureau of Hearings and Field Operations no later than close of business June 1, 1982. Intervenors shall submit their case at the same time as they party they support. Oral argument may be scheduled if deemed necessary by the Commission; and

It is further ordered, That this Order be published in the **Federal Register** and a copy served upon each Respondent and the Bureau of Hearings and Field Operations.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 82-8282 Filed 3-26-82; 8:45 am]

BILLING CODE 6730-01-M

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[1] *See Fairplay Interntional Shipping Weekly*, December 4, 1980; *Journal of Commerce*, December 30, 1980.

[2] Statement of Michael Peters, U.S. Gulf Manager, Hapag-Lloyd, A.G., submitted in support of Agreement Nos. 10374-2 and 10268-5.

[Docket No. 82-18]

United States Atlantic & Gulf/ Southeastern Caribbean Conference v. Tropical Shipping & Construction Co., Ltd.; Filing of Complaint and Assignment

Notice is given that a complaint filed by United States Atlantic & Gulf/ Southeastern Caribbean Conference against Tropical Shipping & Construction Co., Ltd. was served March 19, 1982. Complaint alleges that respondent's use of a "Consolidation Agreement" has subjected it to tariff rates, charges and practices in violation of sections 14 Fourth, 14b, 16 First, 17, 18(b)(1) and 18(b)(3) of the Shipping Act, 1916.

This proceeding has been assigned to Administrative Law Judge John E. Cograve. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are

necessary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 82-8281 Filed 3-26-82; 8:45 am]

BILLING CODE 6730-01-M

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10327; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after the date of the **Federal Register**. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No.: T-4033.

Filing party: Richard A. Lidinsky, Jr., Maryland Department of Transportation, Maryland Port Administration, 2000 World Trade Center, Baltimore, Maryland 21202.

Summary: Agreement No. T-4033, between the Maryland Port Administration (MPA) and the Baltimore Marine Terminal Association (BMTA), provide for the formation of the Marine Terminal Association of Maryland (Association). Under the terms of the agreement, MPA and BMTA may from time to time confer, discuss and make recommendations on rates, charges, practices and other tariff matters and on matters of concern to the Baltimore marine terminal industry. The agreement does not confer rate-making or joint or multi-tariff issuance authority upon the Association.

Agreement No.: T-4035.

Filing party: Mr. H. H. Wittren, Associate Director of Real Estate, Port of Seattle, P.O. Box 1209, Seattle, Washington 98111.

Summary: Agreement No. T-4035, between the Port of Seattle (Port) and Seattle Crescent Container Service (SCCS), provides for the lease by the Port to SCCS of 1 acre of blacktopped land, located at Terminal 18, Seattle, together with certain improvements situated thereon. SCCS shall use the premises for a straddle carrier and other related container handling equipment, container, and chassis repair facility for the Port's container shipping tenants at Terminals 18 and 20. The term of the lease is for 3 years. As compensation, the Port is to receive $3,333.34 monthly.

Agreement No.: T-4038.

Filing party: Mr. Randall V. Adams, Accounting/Traffic, Port of Palm Beach, P.O. Box 9935, Riviera Beach, Florida 33404.

Summary: Agreement No. T-4038 is a terminal lease agreement between the Port of Palm Beach (Port) and Heavy Lift Services, Inc. (Lessee) which provides that the Port will lease to Lessee office space in the Port's (soon to be completed) Maritime Office Building. The Lessee will use the premises for offices, Lessee will pay to the Port an annual base rental of ten thousand five hundred seventy dollars ($10,570).

Dated: March 24, 1982. The terms of the lease is five (5) years with renewal options.

By Order of the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 82-8326 Filed 3-26-82; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 82-17]

International Harvester Co. v. South African Marine Corp., Ltd.; Filing of Complaint and Assignment

Notice is given that a complaint filed by International Harvester Company against South African Marine Corporation, Ltd. was served March 17, 1982. Complainant alleges that respondent has subjected it to payment of rates for ocean transportation in violation of section 18(b)(3) of the Shipping Act, 1916.

This proceeding has been assigned to Administrative Law Judge Norman D. Kline. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 82-8216 Filed 3-26-82; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Digestive Diseases Advisory Board; Amended Meeting Notice

Notice is hereby given of the change in the meeting of the National Digestive Diseases Advisory Board on April 15-16, 1982, which was published in the **Federal Register** on March 12, 1982, 47 FR 10907.

The conference room number was inadvertenly omitted in the notice published on March 12, 1982. The National Digestive Diseases Advisory Board will meet in Conference Room 8, Building 31, C Wing, 6th Floor, National Institutes of Health, Bethesda, Maryland.

Dated: March 22, 1982.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 82-8204 Filed 3-26-82; 8:45 am]

BILLING CODE 4140-01-M

Meeting of Arteriosclerosis, Hypertension and Lipid Metabolism Advisory Committee

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Arteriosclerosis, Hypertension, and Lipid Metabolism Advisory Committee, National Heart, Lung, and Blood Institute, April 5-6, 1982, Building 31, Conference Room 10, 6th Floor, C-Wing, National Institutes of Health, Bethesda, Maryland 20205.

This meeting will be open to the public on April 5 from 8:30 a.m. to 9:00 a.m. and on April 6 from 8:30 a.m. to adjournment to hear announcements, status reports on the program, and to evaluate program support in Arteriosclerosis, Hypertension and Lipid Metabolism. Attendance by the public

will be limited on a space available basis.

In accordance wih the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92–463, the meeting of the Advisory Committee will be closed to the public from approximately 9:00 a.m. until adjournment on April 5, 1982, for the review, discussion and evaluation of individual contract proposals. These proposals and the discussion could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Larry Blaser, Chief of the Research Reporting Section, NHLBI, Building 31, Room 4A–21, NIH, Bethesda, Maryland 20205, phone (301) 496–4236 will provide summaries of the meeting and rosters of the committee members.

Dr. G. C. McMillan, Associate Director, Arteriosclerosis, Hypertension, and Lipid Metabolism Program. NHLBI, Federal Building, Room 4C–12, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–1613, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, Heart and Vascular Diseases Research, National Institutes of Health)

NIH Programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: March 18, 1982.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 82–8202 Filed 3–26–82; 8:45 am]

BILLING CODE 4140–01–M

Meeting of the Arteriosclerosis, Hypertension and Lipid Metabolism Advisory Committee

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Arteriosclerosis, Hypertension, and Lipid Metabolism Advisory Committee, National Heart, Lung, and Blood Institute, May 13, 1982, Conference Room 9, 6th Floor, C-Wing, Building 31, National Institutes of Health, Bethesda, Maryland 20205. The entire meeting will be open to the public from 9 a.m. to 5 p.m. on Thursday, May 13, to evaluate program support in Arteriosclerosis, Hypertension, and Lipid Metabolism. Attendance by the public will be limited on a space available basis.

Mr. Larry Blaser, Chief of the Research Reporting Section, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–4236, will provide summaries of the meeting and rosters of the committee members.

Dr. G. C. McMillan, Associate Director, Arteriosclerosis, Hypertension, and Lipid Metabolism Program, NHLBI, Room 4C–12, Federal Building, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–1613, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, Heart and Vascular Diseases Research, National Institutes of Health)

NIH Programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Date: March 18, 1982.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 82–8205 Filed 3–26–82; 8:45 am]

BILLING CODE 4140–01–M

Meetings of the National Heart, Lung, and Blood Advisory Council and its Manpower Subcommittee and Research Subcommittee

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Heart, Lung, and Blood Advisory Council, National Heart, Lung, and Blood Institute, May 20–22, 1982, National Institutes of Health, 9000 Rockville Pike, Building 31, Conference Room 10, Bethesda, Maryland, 20205. In addition, meetings of the Manpower Subcommittee and the Research Subcommittee of the above Council will be May 19, 1982 at 8:00 p.m. in Building 31, Conference Rooms 9 and 10 respectively.

This meeting will be open to the public on May 20 from 9:00 a.m. to approximately 3:00 p.m., to discuss program policies and issues. Attendance by the public is limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and section 10(d) of Pub. L. 92–463, the meeting of the Council will be closed to the public from approximately 3:00 p.m. on May 20 to adjournment on May 22 for the review, discussion and evaluation of individual grant applications. The meetings of the Manpower Subcommittee and the Research Subcommittee of the above Council will be closed from 8:00 p.m. to adjournment on May 19, 1982 also for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Larry Blaser, Chief of the Research Reporting Section, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–4236, will provide summaries of the meetings and rosters of the Council members.

Dr. Jerome G. Green, Executive Secretary of the Council, Westwood Building, Room 7A–17, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496–7416, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, Heart and Vascular Diseases Research; 13.838, Lung Diseases Research; and 13.839, Blood Diseases and Resources Research, National Institutes of Health

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in Section 8(b)(4) and (5) of that Circular.

Date: March 18, 1982.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 82–8207 Filed 3–26–82; 8:45 am]

BILLING CODE 4140–01–M

Meeting of National Institute of Dental Research Programs, Advisory Committee and its Subcommittees

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Institute of Dental Research Programs Advisory Committee and its Subcommittees. The full Committee will meet on May 5, 1982, from 9:00 a.m. to 12:00 Noon, in Conference Room 6, Building 31C, National Institutes of Health, Bethesda, Maryland.

The Subcommittee on Dental Caries, National Institute of Dental Research Programs Advisory Committee, will meet on May 5, from 1:30 p.m. to adjournment, and on May 6 from 9:00 a.m. to adjournment, in Conference Room 9, Building 31C, National Institutes of Health, Bethesda, Maryland.

The Subcommittee on Periodontal Diseases, National Institute of Dental Research Programs Advisory Committee, will meet on May 5 from 1:30 p.m. to adjournment, and on May 6 and 7, from 9:00 a.m. to adjournment each

day, in conference Room 6, Building 31C, National Institutes of Health, Bethesda, Maryland.

The entire meeting will be open to the public to discuss research progress and ongoing plans and programs of the Periodontal Diseases Program Branch. Attendance by the public will be limited to space available.

Dr. James P. Carlos, Director, National Caries Program, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 528, Bethesda, MD 20205 (telephone 301 496–7239) and Dr. Paul F. Parakkal, Scientist Administrator, Periodontal Diseases Program Branch, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 519, Bethesda, MD 20205 (telephone 301 496–7784) will furnish rosters of committee members, a summary of the meeting, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program No. 13.841—Periodontal Diseases Research, National Institutes of Health)

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Date: March 18, 1982.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 82–8203 Filed 3–26–82; 8:45 am]

BILLING CODE 4140–01–M

Meeting of National Advisory Neurological and Communicative Disorders and Stroke Council and the Planning Subcommittee

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Neurological and Communicative Disorders and Stroke Council, May 27 and 28, 1982, at 9 a.m. in Building 31–C, Conference Room 6, National Institutes of Health, Bethesda, MD 20205. In addition, a meeting of the Planning Subcommittee of the above Council will be held on May 26, 1982, at 1 p.m. to approximately 5:30 p.m. in Building 31, Room 8A28, National Institutes of Health, Bethesda, MD 20205.

The meeting of the full Council will be open to the public from 9 a.m. until approximately 11:30 a.m. on May 27, 1982, and from 8:30 a.m. to approximately 9:30 a.m. on May 28, 1982, to discuss administration, management and special reports. The meeting of the Planning Subcommittee will be open from 1 p.m. to approximately 3 p.m. on May 26 to discuss program planning and program accomplishments. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4), and 552b(c)(6) of Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the Advisory Council meeting will be closed to the public from approximately 11:30 a.m. on May 27, 1982, until the conclusion of the meeting that day, and from 9:30 a.m. until adjournment on May 28, 1982, for review, discussion and evaluation of Research Grant applications and applications for Teacher-Investigator Awards, Research Career Development Awards, and Institutional National Research Service Awards. The meeting of the Planning Subcommittee will be closed from approximately 3 p.m. to adjournment on May 26, 1982, also for the review, discussion and evaluation of individual grant applications. These applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Chief, Office of Scientific and Health Reports, Miss Sylvia Shaffer, Building 31, Room 8A06, NIH, NINCDS, Bethesda, Maryland, 20205, telephone (301) 496–5751, will furnish summaries of the meeting and rosters of committee members.

Dr. John C. Dalton, Executive Secretary, Federal Building, Room 1016, Bethesda, Maryland 20205, telephone (301) 496–9248, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.851, Communicative Disorders Program; No. 13.852, Neurological Disorders Program; No. 13.853, Stroke and Nervous System Trauma; No. 13.854, Fundamental Neurosciences Program, National Institutes of Health)

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 82–8206 Filed 3–26–82; 8:45 am]

BILLING CODE 4140–01–M

Meeting of Board of Scientific Counselors, National Library of Medicine

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Library of Medicine, April 22 and April 23, 1982, in the Board Room of the National Library of Medicine Building, 8600 Rockville Pike, Bethesda, Maryland.

The meeting will be open to the public from 9:00 a.m. to 4:30 p.m. on April 22, 1982, and from 9:00 a.m. to 5:00 p.m. on April 23, 1982, for the review of research and development programs of the Lister Hill National Center for Biomedical Communications and the National Medical Audiovisual Center. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on April 22, 1982 from approximately 4:30 p.m. to 5:30 p.m. for the consideration of personnel qualifications and performance of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Executive Secretary, Dr. William G. Cooper, Acting Deputy Director, Research and Education, NLM Lister Hill National Center for Biomedical Communications, NLM, 8600 Rockville Pike, Bethesda, Maryland 20209, telephone (301) 496–4441, will furnish summaries of the meeting, rosters of committee members, and substantive program information.

Date: March 18, 1982.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 82–8206 Filed 3–26–82; 8:45 am]

BILLING CODE 4140–01–M

Public Health Service

Health Maintenance Organizations

AGENCY: Public Health Service, HHS.

ACTION: Notice, February—qualified health maintenance organizations.

SUMMARY: This notice sets forth the names, addresses, service areas, and dates of qualification of entities determined by the Secretary to be qualified health maintenance organizations (HMOs). In addition, a service area revision of a previously qualified HMO is reported at the end of the list.

FOR FURTHER INFORMATION CONTACT: Frank H. Seubold, Ph.D, Director, Office of Health Maintenance Organizations, Park Building—Third Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443–4106.

SUPPLEMENTARY INFORMATION: Regulations (42 CFR 110.605(b)) issued under Title XIII of the Public Health

Service Act require that a list and description of all newly qualified HMOs be published on a monthly basis in the **Federal Register.** The following entities have been determined to be qualified HMOs under section 1310(d) of the Public Health Service Act (42 U.S.C. 300e–9(d)):

(Operational Qualified Health Maintenance Organizations: 42 CFR 110.603(a))

1. Healthgroup International, (Individual Practice Association Model, see section 1310(b)(2)(A) of the Public Health Service Act), 2029 Century Park East, Suite 3400, Los Angeles, California 90067. Service area: Ventura County, California. Date of qualification: January 27, 1982.

2. Healthway Medical Plan, Inc., (Medical Group Model, see section 1310(b)(1) of the Public Health Service Act), 35 Pearl Street, Brockton, Massachusetts 02401. Service area: The following towns and zip codes in southeastern Massachusetts:

Abington	02351
Attleboro	02703
Avon	02322
Berkeley	02780
Bridgewater	02324
Brockton	02401–3
Canton	02021
Dighton	02715
East Bridgewater	02333
Easton	02334
	02356
	02375
Foxborough	02035
Halifax	02338
Hanover	02339
Hanson	02341
Holbrook	02343
Lakeville	02346
Mansfield	02048
Middleborough	02346
North Attleboro	02760–3
Norton	02766
Pembroke	02359
Plainville	02762
Plympton	02367
Randolph	02368
Raynham	02767–8
Rockland	02370
Sharon	02067
Stoughton	02072
Taunton	02780
West Bridgewater	02379
Whitman	02382

Date of qualification: February 1, 1982.

Service Area Revision

1. Maxicare, 4455 West 117th Street, Suite 502, Hawthorne, California 90250. Add the following zip codes in Ventura County, California to the service area published on 7/1/81, in the **Federal Register,** at 46 FR 34521: 93002–3, 93010, 93015, 93030, 93060, and 93066. Effective date: January 1, 1982.

Files containing detailed information regarding qualified HMOs will be available for public inspection between the hours of 8:30 a.m. and 4:30 p.m. on Tuesdays and Thursdays, except for Federal holidays, in the Office of Health Maintenance Organizations, Office of the Assistant Secretary for Health, Department of Health and Human Services, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857.

Questions about the qualification review process or requests for information about qualified HMOs should be sent to the same office.

Dated: March 19, 1982.

Frank H. Seubold,

Director, Office of Health Maintenance Organizations.

[FR Doc. 82–8365 Filed 3–26–82; 8:45 am]

BILLING CODE 4160–17–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Pueblo of Laguna, New Mexico; Proclaiming Certain Lands as Part of Pueblo of Laguna

Correction

In FR Doc. 81–27772 appearing at page 47116 in the issue of Thursday, September 24, 1981, in the land description, in the first column on page 47117, in the second line under "Sec. 19", "E¼SW¼" should read "E½SW¼".

BILLING CODE 1505–01–M

Bureau of Land Management

[CA 3776]

California; Order Providing for Opening of Lands

March 12, 1982.

Pursuant to the Order of the Federal Power Commission issued April 9, 1975 (40 FR 17337–17338), and by virtue of the authority contained in Section 24 of the Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818) (1970), as amended, and in accordance with the authority delegated to me by the State Director, California State Office, Bureau of Land Management, dated January 13, 1977, (42 FR 3901) as amended, it is ordered as follows:

1. The Commission finds that withdrawal for Power Project 1390, dated November 20, 1936, as amended August 5, 1963, serves no useful purpose and has vacated the withdrawal insofar as it affects the following described lands:

Mount Diablo Meridian

T. 2 N., R. 25 E.,
All portions of the following described subdivisions lying outside the project boundary shown on approved Map Exhibit K, sheets 1A, 2, and 3 of 3 (FPC Nos. 1390–20, –13, –14).
Sec. 11, SE¼SE¼;
Sec. 13, NW¼NW¼;
Sec. 14, NE¼NE¼ and S½NE¼;
Sec. 16, SW¼.

Aggregating approximately 360 acres in Mono County, California.

The State of California has waived its preference right of application for highway right-of-way or material sites afforded it by Section 24 of said Act.

2. The Commission's general determination of April 17, 1922, is applicable to the lands in P.O. 1390 reserved for transmission and telephone line purposes. These lands have been open to location, entry, or selection under the public land laws, subject to the reservation of Section 24 of the Federal Power Act.

3. At 10 a.m. on May 10, 1982, the unappropriated, unreserved public lands described above shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and classifications, and the requirements of applicable laws. The lands embraced in the forest shall be open to such forms of disposition as may be made of national forest land.

Inquiries concerning these lands should be addressed to the Bureau of Land Management, Room E–2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Joan B. Russell,

Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc. 82–8363 Filed 3–26–82; 8:45 am]

BILLING CODE 4310–84–M

Notice of Realty Action Proposed by the State of Oregon Military Department for the Continued Use of Public Lands in Crook and Deschutes Counties

Notice is hereby given that a proposal has been received from the State of Oregon Military Department, to periodically conduct military maneuvers on public lands. The proposal is made pursuant to Section 302 of the Federal Land Management and Policy Act of 1976, and includes the following described lands, situated east of US Hwy. 97, between Bend and Redmond, Oregon:

T. 15 S., R. 13 E., W.M.,
Sec. 23, E½SE¼;
Sec. 24, All;
Sec. 25, All;
Sec. 26, S½, S½NE¼, NE¼NE¼, SE¼NW¼NE¼, S½SW¼NW¼NE¼, E½NE¼NW¼NE¼;

Sec. 32, That portion lying east of the B–N R. R.
Sec. 33, All;
Sec. 34, All;
Sec. 35, All;
Sec. 36, E½E½.
T. 15 S., R. 14 E., W.M.,
Sec. 5, W½E½, W½;
Sec. 6, All;
Sec. 7, All;
Sec. 8, All;
Sec. 17, All;
Sec. 18, All;
Sec. 19, All;
Sec. 20, N½;
Sec. 28, S½SW¼;
Sec. 29, S½S½;
Sec. 30, All;
Sec. 31, All;
Sec. 32, All;
Sec. 33, W½W½.
T. 16 S., R. 12 E., W.M.,
Sec. 24, E½, E½W½;
Sec. 25, E½, E½W½.
T. 16 S., R. 13 E., W.M.,
Sec. 1, All;
Sec. 2, All;
Sec. 3, All;
Sec. 4, All;
Sec. 5, All;
Sec. 6, That portion lying east of the B–N R.R.;
Sec. 7, That portion lying east of the B–N R.R.;
Sec. 8, All;
Sec. 9, All;
Sec. 10, All;
Sec. 11, All;
Sec. 12, All;
Sec. 13, All;
Sec. 14, All;
Sec. 15, All;
Sec. 17, All;
Sec. 18, E½, NW¼;
Sec. 19, All;
Sec. 20, All;
Sec. 21, All;
Sec. 22, All;
Sec. 23, All;
Sec. 24, All;
Sec. 25, All;
Sec. 26, All;
Sec. 27, All;
Sec. 28, All;
Sec. 29, All;
Sec. 30, All;
Sec. 31, All;
Sec. 32, All;
Sec. 33, All;
Sec. 34, All;
Sec. 35, All;
Sec. 36, S½.
T. 16 S., R. 14 E., W.M.,
Sec. 4, NW¼NW¼;
Sec. 5, All;
Sec. 6, All;
Sec. 7, All;
Sec. 18, All;
Sec. 19, That portion lying north of the Powell Butte highway;
Sec. 30, SW¼;
Sec. 31, All.
T. 17 S., R. 13 E., W.M.,
Sec. 1, All;
Sec. 2, All;
Sec. 3, All;
Sec. 10, E½;
Sec. 11, All;
Sec. 12, All;
Sec. 13, All;
Sec. 14, All;
Sec. 15, E½.
T. 17 S., R. 14 E., W.M.,
Sec. 6, All;
Sec. 7, All;
Sec. 18, All.

Containing approximately 41, 000 acres.

The applicant proposes to expand the boundaries of the existing permit area, as described above. A portion of the additional lands would be used to develop a shooting range for small arms. The range would be situated north of Highway 126, and approximately (2½) miles east of the North Unit Maine Canal.

The applicant also proposes to expand the scope of military maneuvers by establishing a range for tanks which would discharge a subcaliber training device. (A reduced 50 caliber firing device mounted on the main gun.) Portable targets would be set up along a prescribed route, which would be situated south and east of Redmond airport.

The small arms shooting range would be used by the military about seven weekends per year, and the tank range would be used about five weekends per year. The applicant has expressed an interest to use this area for at least ten more years.

The purpose of this notice is to inform the public of this proposal. Interested parties may express their comments to the Prineville District Manager, Bureau of Land Management, Box 550, Prineville, Oregon 97754.

James L. Hancock,

Associate District Manager.

[FR Doc. 82-8362 Filed 3-26-82; 8:45 am]

BILLING CODE 4310-84-M

[F-14881-A and F-14881-B]

Alaska Native Claims Selection

On May 16 and October 17, Koyuk Native Corporation, for the Native village of Koyuk, filed selection applications F-14881-A and F-14881-B under the provisions of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611) (1976)) (ANCSA), for the surface estate of certain lands in the vicinity of Koyuk.

As to the lands described below, the applications submitted by Koyuk Native Corporation, as amended, are properly filed and meet the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following decribed lands, selected pursuant to Sec. 12(a) of ANCSA, aggregating approximately 84,977 acres, is considered proper for acquisition by Koyuk Native Corporation and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA.

U.S. Survey No. 5012, located at Koyuk, Alaska

Containing 155.54 acres.

Kateel River Meridian, Alaska (Unsurveyed)

T. 7 S., R. 10 W.,
Secs. 30 and 31;
Sec. 32, excluding Native allotments F–17841 Parcel B and F–17912 Parcel A;
Sec. 33

Containing approximately 2,332 acres.

T. 4 S., R. 11 W.,
Sec. 19, excluding Native allotment F–17941 Parcel C;
Secs. 20, 29, 30, and 31;
Sec. 32, excluding Native allotment F–18651 Parcel A;
Sec. 33

Containing approximately 3,611 acres.

T. 5 S., R. 11 W.,
Secs. 5, 6, 7, and 8;
Secs. 16 and 17, excluding Native allotment F–17947;
Sec. 18;
Secs. 20 and 21, excluding Native allotments F–17947 and F–18043;
Sec. 28, excluding Native allotments F–17841 Parcel A and F–18043;
Sec. 29;
Sec. 32, excluding Native allotment F–17944;
Sec. 33.

Containing approximately 6,827 acres.

T. 6 S., R. 11 W.,
Sec. 3;
Sec. 4, excluding Native allotments F–17944 and F–18037 Parcel B;
Sec. 5, excluding Native allotment F–17944;
Sec. 8, excluding Native allotment F–18114 Parcel B;
Sec. 9, excluding Native allotments F–17943 and F–18037 Parcel B;
Sec. 10, excluding Native allotment F–17943;
Secs. 16 and 17;
Sec. 18, excluding Native allotments F–17843 Parcel B and F–18379;
Sec. 19, excluding Native allotment F–18172 Parcel A;
Secs. 20 and 21;
Sec. 29, excluding Native allotment F–17945;
Sec. 30, excluding Native allotments F–17945 and F–18172 Parcel A;
Sec. 31.

Containing approximately 7,063 acres.

T. 7 S., R. 11 W.,
Sec. 30, excluding Native allotment F–18042 Parcel A;
Sec. 31 (fractional), excluding Native allotment F–18042 Parcel A;

Sec. 32, excluding Native allotment F–18042 Parcel A;
Sec. 33, excluding Native allotment F–18440;
Sec. 34, excluding Native allotments F–17942 and F–18440;
Sec. 35, excluding Native allotment F–17942;
Sec. 36, excluding Native allotment F–18381 Parcel A.

Containing approximately 3,387 acres.

T. 4 S., R. 12 W.,
Secs. 14, 15, 16 and 19;
Sec. 20, excluding Native allotment F–18038 Parcel B;
Secs. 21 to 27, inclusive;
Secs. 28 and 29, excluding Native allotment F–17950;
Secs. 30 and 31;
Sec. 32, excluding Native allotment F–17950;
Secs. 33 to 36, inclusive.

Containing approximately 12,431 acres.

T. 5 S., R. 12 W.,
Secs. 6, 7, and 18.

Containing approximately 1,782 acres.

T. 6 S., R. 12 W.,
Secs. 1 to 12, inclusive;
Sec. 13, excluding Native allotment F–17843 Parcels B and C;
Secs. 14 to 24, inclusive;
Sec. 25, excluding Native allotment F–8854;
Sec. 26, excluding Native allotment F–18172 Parcel B;
Secs. 27 and 28;
Secs. 29, 30, and 31, excluding U.S. Survey No. 2035, U.S. Survey No. 4390, and U.S. Survey No. 5012;
Sec. 32, excluding U.S. Survey No. 2035 and U.S. Survey No. 4390;
Sec. 33, excluding Native allotment F–17842;
Sec. 34, excluding Native allotments F–17842, F–17844 and F–17913 Parcel B;
Sec. 35, excluding Native allotment F–17844;
Sec. 36, excluding Native allotment F–18287 Parcel A.

Containing approximately 19,748 acres.

T. 7S., R. 12 W.,
Sec. 1;
Secs. 2 and 3, excluding Native allotment F–17863;
Sec. 4;
Sec. 5 (fractional), excluding Native allotment F–18381 Parcel B;
Secs. 8 and 9 (fractional);
Secs. 10 to 15, inclusive;
Secs. 16, 22, and 23 (fractional);
Sec. 24;
Secs. 25 and 26 (fractional).

Containing approximately 8,918 acres.

T. 4 S., R. 13 W.,
Secs. 3, 4, 8, and 9;
Secs. 13 and 14;
Secs. 15 and 16, excluding Native allotment F–17913 Parcel A;
Secs. 17, 18, and 20;
Secs. 21 and 22, excluding Native allotment F–17913 Parcel A;
Secs. 23 to 26, inclusive.

Containing approximately 10,068 acres.

T. 6 S., R. 13 W.,
Sec. 36 (fractional), excluding Native allotments F–1306 and F–18037 Parcel A.

Containing approximately 480 acres.

T. 7 S., R. 13 W.,
Sec. 1 (fractional), excluding Native allotments F–1306 and F–18287 Parcel B;
Sec. 11;
Sec. 12 (fractional), excluding Native allotments F–17843 Parcel A and F–18287 Parcel B;
Sec. 13 (fractional), excluding Native allotment F–17843 Parcel A;
Sec. 14 (fractional);
Sec. 21, excluding Native allotment F–17499;
Sec. 22 (fractional), excluding Native allotment F–17499;
Secs. 23, 27, and 28 (fractional);
Sec. 32;
Sec. 33 (fractional).

Containing approximately 5,110 acres.

T. 8 S., R. 13 W.,
Secs. 4 and 5 (fractional);
Sec. 7;
Sec. 8 (fractional);
Secs. 17 and 18 (fractional);
Secs. 19 and 30 (fractional), excluding Native allotment F–17840.

Containing approximately 2,429 acres.

T. 8 S., R. 14 W.,
Sec. 13.

Containing approximately 635 acres.
Aggregating approximately 84,977 acres.

Excluded from the above-described lands herein conveyed are the submerged lands, up to the ordinary high water mark, beneath all water bodies determined by the Bureau of Land Management to be navigable because they have been or could be used in connection with travel, trade and commerce, or are pending a tidal determination at the time of survey. Those water bodies are identified on the attached navigability maps, the original of which will be found in easement case file F–14881–EE.

All other water bodies not depicted as navigable on the attached maps within the lands to be conveyed were reviewed. Based on available evidence, they were determined to be nonnavigable.

The lands excluded in the above description are not being approved for conveyance at this time and have been excluded for one or more of the following reasons: Lands are no longer under Federal jurisdiction; lands are under applications pending further adjudication; lands are pending a determination under Sec. 3(e) of ANCSA, or lands were previously rejected by decision. Lands within U.S. Surveys which are excluded are described separately in this decision if they are available for conveyance. These exclusions *do not* constitute a rejection of the selection application, unless specifically so stated.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(f)); and

2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file F–14881–EE, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: Travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

50 Foot Trail—The uses allowed on a fifty (50) foot wide trail easement are: Travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, and four-wheel drive vehicles.

One Acre Site—The uses allowed for a site easement are: Vehicle parking (e.g., aircraft, boats, ATV's, snowmobiles, cars, trucks), temporary camping, and loading or unloading. Temporary camping, loading, or unloading shall be limited to 24 hours.

a. (EIN 1 C3, D1, D9, L) An easement for an existing access trail fifty (50) feet in width from the Koyuk municipal reserve in Block 12, Tract C, U.S. Survey No. 4390 located in Sec. 29, T. 6 S., R. 12 W., Kateel River Meridian, northerly to public lands. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

b. (EIN 2a D1, D9) An easement for an existing access trail fifty (50) feet in width from trail EIN 2b D1, D9 in Sec. 20, T. 4 S., R. 12 W., Kateel River Meridian, northwesterly to public lands. The uses allowed are those listed above for a fifty (50) foot wide trail easement. The season of use will be limited to summer.

c. (EIN 2b D1, D9) An easement for an existing access trail fifty (50) feet in width from the junction of trails EIN 2a

D1, D9 and EIN 3 C3, D1, D9, L near Dime Landing in Sec. 20, T. 4 S., R. 12 W., Kateel River Meridian, southerly to public lands. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

d. (EIN 3 C3, D1, D9, L) An easement for an existing access trail fifty (50) feet in width from trail EIN 2b D1, D9 in Sec. 20, T. 4 S., R. 12 W., Kateel River Meridian, northerly to public lands. The uses allowed are those listed above for fifty (50) foot wide trail easement. The season of use will be limited to winter.

e. (EIN 5 C1, D1) An easement for an existing access trail twenty-five (25) feet in width from Norton Bay in Sec. 8, T. 8 S., R. 13 W., Kateel River Meridian, westerly to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter.

f. (EIN 8 C5) A one (1) acre site easement upland of the ordinary high water mark in Sec. 28, T. 4 S., R. 12 W., Kateel River Meridian, on the left bank of the Koyuk River. The uses allowed are those listed above for a one (1) acre site easement.

g. (EIN 10 C5) A one (1) acre site easement upland of the ordinary high water mark in Sec. 17, T. 5 S., R. 11 W., Kateel River Meridian, on the left bank of the Koyuk River. The uses allowed are those listed above for a one (1) acre site easement.

h. (EIN 10a C5) An easement for a proposed access trail twenty-five (25) feet in width from site EIN 10 C5 in Sec. 17, T. 5 S., R. 11 W., Kateel River Meridian, northeasterly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

i. (EIN 23 C5) An easement for a proposed access trail twenty-five (25) feet in width from the west boundary of U.S. Survey No. 4390 located in Sec. 31, T. 6 S., R. 12 W., Kateel River Meridian, northwesterly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent after approval and filing by the Bureau of Land Management of the official plat of survey confirming the boundary description and acreage of the lands hereinabove granted;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;

3. Airport lease, F-014530, located within U.S. Survey No. 5012, near the village of Koyuk, Alaska, issued to the State of Alaska, Department of Aviation (then Department of Public Works, Division of Aviation, now the Department of Transportation and Public Facilities), under the provisions of the act of May 24, 1928 (49 U.S.C. 211-214), as amended; and

4. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Reindeer Grazing Permit, F-030387, issued to Merlin Henry, on January 1, 1982, located within lands herein approved for conveyance, will terminate upon conveyance of these lands in accordance with Sec. 9, Additional Condition or Stipulation No. 1 of the permit.

Koyuk Native Corporation is entitled to conveyance of 92,160 acres of land selected pursuant to Sec. 12(a) of ANCSA. Together with the lands herein approved, the total acreage conveyed or approved for conveyance is approximately 84,977 acres. The remaining entitlement of approximately 7,183 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANCSA, conveyance of the subsurface estate of the lands described above shall be issued to Bering Straits Native Corporation when the surface estate is conveyed to Koyuk Native Corporation and shall be subject to the same conditions as the surface conveyance.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the Tundra Times.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal Government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, provided, however, pursuant to Pub. L. 96-487, this decision constitutes the final administrative determination of the Bureau of Land Management concerning navigability of water bodies.

Appeals should be filed with the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 100, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unkown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until April 29, 1982 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Koyuk Native Corporation, Koyuk, Alaska 99753

Bering Straits Native Corporation, P.O. Box 1008, Nome, Alaska 99762

Ruth Stockie,

Acting Chief, Branch of ANCSA Adjudication.

[FR Doc. 82-8330 Filed 3-26-82; 8:45 am]

BILLING CODE 4310-84-M

[F-14873-A]

Alaska Native Claims Selection

Correction

In FR Doc. 82-5866, published at page 9285, on Thursday, March 4, 1982, on page 9286, in the third column, in the sixteenth line, "Secs. 11 and 15," should be corrected to read "Secs. 11 to 15,".

BILLING CODE 1505-01-M

Bureau of Reclamation

Repayment Contract, Keyhole Unit Pick-Sloan Missouri Basin Program, Wyoming; Intent To Negotiate a Repayment Contract

The Department of the Interior, through the Bureau of Reclamation (Bureau), intends to begin negotiations with the Belle River Pumpers Association (BRPA) of Nisland, South Dakota, for a repayment contract to facilitate storage and release of water from 5,550 acre-feet of storage space in Keyhole Reservoir. The proposed contract will be prepared pursuant to section 9(d) of the Reclamation Project Act of August 4, 1939 (53 Stat. 1187).

The BRPA irrigators have South Dakota natural flow rights from Belle Fourche River. To supplement the natural flow rights with water from the Keyhole Reservoir, the association executed a temporary watr service contract with the United States in 1981. A long-term repayment contract is now being sought for space in Keyhole Reservoir to supplement the irrigators' natural flow rights in subsequent drought years.

All meetings scheduled by the Bureau with the association to discuss terms and conditions of the proposed contract will be open to the public for observation. Advance notice of the meetings will be furnished to those parties that have made a timely written request for a meeting schedule. Written requests for meeting dates or information about the proposed contracts should be addressed to the Regional Director, Bureau of Reclamation, Attention: Code UM-440, P.O. Box 2553, Billings, Montana 59103.

All written correspondence concerning the proposed contract will be made available to the public pursuant to the provisions of the Freedom of Information Act (80 Stat. 383), as amended.

Following completion of contract negotiations, the proposed draft contract will be made available for public review and for written comments for a 30-day period.

For further information on scheduled contract negotiating sessions and copies of the proposed contract form, please contact William Crosby, Chief, Economics and Repayment Branch, Division of Water and Land, at the address stated above or by telephone (406) 657-6413.

Dated: March 23, 1982.

Aldon D. Nielsen,

Acting Assistant Commissioner, Bureau of Reclamation.

[FR Doc. 82-8217 Filed 3-26-82; 8:45 am]

BILLING CODE 4310-09-M

INTERNATIONAL COMMUNICATION AGENCY

Culturally Significant Objects Imported For Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459) and Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), I hereby determine that the objects in the exhibit, "Treasures of Romania: 6,000 Years of Art in Gold" (included in the list [1] filed as a part of this determination) imported from abroad for the temporary exhibition without profit within the United States are of cultural significance. These objects are imported pursuant to an agreement between the foreign lender and the National Gallery of Art. I also determine that the temporary exhibition or display of the listed exhibit objects at the National Gallery of Art, Washington, D.C., beginning on or about July 3, 1983, to on or about November 13, 1983; the Museum of Fine Arts, Boston, Massachusetts, beginning on or about November 20, 1983, to on or about February 26, 1984; and the Museum of Fine Arts, Houston, Texas, beginning on or about March 28, 1984, to on or about July 1, 1984, is in the national interest.

Public notice of this determination is ordered to be published in the Federal Register.

Dated: March 23, 1982.

Charles Z. Wick,

Director.

[FR Doc. 82-8214 Filed 3-26-82; 8:45 am]

BILLING CODE 8230-01-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 29875]

Prairie Central Railway Co.—Purchase—Illinois Central Gulf Railroad Co. Between Galatia and Eldorado, Ill; Intent To Purchase

On March 11, 1982, the Prairie Central Railway Company (PACY) filed a notice of its intent to request the Commision to require the sale of trackage. PACY seeks to acquire the track of the Illinois Central Gulf Railroad Company (ICG) between Galatia, IL (milepost No. 111.0) and Eldorado, IL (milepost No. 120.6), a distance of 9.6 miles, pursuant to the feeder line development provisions of 49 U.S.C. 10910.

PACY's application may be filed after June 9, 1982 (90 days after its notice). When an application is filed, any interested party may submit comments or recommendations to the Commission within 30 days and any financially responsible person may propose to acquire the property through a competing application, also within 30 days. All pleadings should refer to finance docket No. 29875 and should be submitted, with 10 copies to the Section of Finance, Room 5417, Interstate Commerce Commission, Washington, DC 20423. A copy should also be sent to Thomas F. McFarland, Jr., Belnap, Spencer & McFarland, 20 North Wacker Drive, Chicago, IL 60606, (312) 236-0204.

For further information contact Wayne A. Michel, (202) 275-7657 or Louis E. Gitomer, (202) 275-7245 at the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-8290 Filed 3-26-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte 290 (Sub-2)]

Railroad Cost Recovery Procedures

AGENCY: Interstate Commerce Commission.

ACTION: Notice of approval of railroad cost index.

SUMMARY: The Commission has decided to approve the cost index filed by the Association of American Railroads (AAR) under the procedures of Docket Ex Parte No. 290 (Sub-No. 2), *Railroad Cost Recovery Procedures.* The application of the index provides for a Rail Cost Adjustment Factor (RCAF) of 1.153. This RCAF, when compared to the first quarter RCAF of 1.117, indicates a decrease of 2.0 percent in railroad input prices. No rate action will be ordered.

EFFECTIVE DATE: March 29, 1982.

FOR FURTHER INFORMATION CONTACT:

Jane Mackall, (202) 275-7656, or Raymond Hobbs (technical), (202) 275-6780

SUPPLEMENTARY INFORMATION: By decision served April 17, 1981 (46 FR 22594, April 20, 1981), we outlined the procedures for calculation of the interim Mid-Quarter Index of railroad costs and the methodology for computing the Rail Cost Adjustment Factor. We also

[1] An itemized list of objects included in the exhibit is filed as part of the original document.

decided to require the AAR, no later than 20 days before the end of each quarter, to calculate and submit to the Commission the mid-quarter index.

We have received AAR's calculations of the mid-quarter index and have found that these calculations comply with the guidelines outlined in our decision served April 17, 1981.

The indices derived from these calculations are shown in the table below.

INTERIM MID-QUARTER INDEX

[1980=100]

Category	Oct. 1, 1980	Q1,1982	Q2, 1982
Salaries, wages, and supplements	102.7	[2] 125.8	125.4
Fuel	102.2	[2] 118.2	115.7
Materials and supplies	103.2	[2] 111.6	109.0
Other expenses	102.8	[2] 113.9	111.8
Weighted average[1]	102.7	[2] 119.8	118.4

[1] Based on the following 1980 weights: salaries, wages, and supplements—47.2 percent; fuel—12.3 percent; other materials and supplies—12.2 percent; other expenses—28.3 percent.

[2] First quarter, 1982 indices have been restated to be compatible with second quarter, 1982 indices. This is due to the generation by AAR of updated internal weights for individual index components.

The AAR has also included calculations of the first and second quarter RCAF's, based upon its restated cost indices for the first quarter, and a factor which is used to link the differing first quarter forecasts arithmetically. The differing forecasts were caused by revised internal weights (1980 base) only recently available to the AAR. The AAR's calculation's for first and second quarter RCAF's are shown in the table below.

AAR—COMPUTER RCAF

Category	1980 weights (percent)	Q, 1982 (original forecast)	Q1, 1982 (revised forecast)		Q2, 1982 (forecast)
Salaries, wages, and supplements	47.2	128.0	125.8		125.4
Fuel	12.3	119.2	118.2		115.7
Materials and supplies	12.2	111.5	111.6		109.0
Other expenses	28.3	113.9	113.9		111.8
Weighted average		120.9	119.8		118.4
RCAF (10/1/80=100)[1]		1.177	1.167		1.153
Linking factor (Q1 revised RCAF/Q1 original RCAF)					1.009
Linked RCAF (RCAF × linking factor)			1.177		1.163
Percent change				−1.2	

[1] Weighted average 10/1/80=102.7.

We believe that the AAR's use of linking factors is rendered unnecessary since our computation of the RCAF takes into account the forecasting error implicit in the AAR linking factor calculation. We note that if the RCAF is increased to 1.163 by application of the linking factor such an adjustment would be necessary in all future RCAF calculations. Therefore, we have restated the AAR calculations in the table below, in order to produce an RCAF of the type mandated by the Staggers Rail Act of 1980.

RESTATED RCAF COMPUTATION

Category	1980 weights (percent)	Q, 1982 (original forecast)	Q1, 1982 (revised forecast)	Q2, 1982 (forecast)
Salaries, wages, and supplements	47.2	128.0	125.8	125.4
Fuel	12.3	119.2	118.2	115.7
Materials and supplies	12.2	111.5	111.6	109.0
Other expenses	28.3	113.9	113.9	111.8
Weighted average		120.9	119.8	118.4
RCAF (10/1/80=100)[1]		1.177	1.167	1.153

RESTATED RCAF COMPUTATION—Continued

Category	1980 weights (percent)	Q, 1982 (original forecast)	Q1, 1982 (revised forecast)	Q2, 1982 (forecast)
Internal weighting error (Q1 revised RCAF/Q1 original RCAF)				1.009
Percent change 100−(Q2 RCAF/Q1 original RCAF)				−2.0
Input price change 1100−(Q2 RCAF/Q1 revised RCAF)				−1.2
Forecasting error (percent change−input price change)				−.8

[1] Weighted average 10/1/80=102.7.

From our restatement, we conclude that the first quarter RCAF remains 1.177 and the second quarter RCAF is 1.153.

This decision will not significantly affect the quality of the human environment or conservation of energy resources. Although this proceeding is not subject to Public Law 96-354, it is our opinion that it will not have a significant adverse impact on a substantial number of small entities.

(49 U.S.C. 10321, 107010, 5 U.S.C. 553)

Dated: March 22, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Gresham, Clapp and Sterrett. Commissioner Clapp did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-8289 Filed 3-26-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-No. 104)]

Union Pacific Railroad Co.; Exemption for Contract Tariff ICC-UP-C-0017

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioners are granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The contract tariff to be filed may become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT:

Donald J. Shaw, Jr., or
Jane F. Mackall, (202) 275-7656

SUPPLEMENTARY INFORMATION: Union Pacific Railroad Co. (UP) filed a petition on March 12, 1982, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). It requests that we permit its contract ICC-UP-C-0017 to become effective on one day's notice. The contract was filed to become effective on 30 days' notice.

Under 49 U.S.C. 10713(e), contracts must be filed on not less than 30 days' notice. There is no provision for waiving this requirement. Cf. former section 10762(d)(1). However, the Commission has granted relief under our section 10505 exemption authority in exceptional situations.

UP has entered a transportation service contract with a manufacturer of phosphate; the contract will expire May 31, 1982. The major shipping season is March, April, and May. The shipper anticipates that the contract will help it increase sales in a soft market. If it is unable to ship under the contract rates, the shipper will be forced to find storage at great difficulty and expense. We find this to be the type of exceptional circumstance which warrants a provisional exemption.

UP's contract may become effective on one day's notice. We will apply the following conditions which have been imposed in similar exemption proceedings:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30-day notice requirement in these instances is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the **Federal Register**.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Dated: March 22, 1982.

By the Commission, Division 2, Commissioners Gresham, Gilliam, and Taylor. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-8292 Filed 3-26-82; 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-197

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 160823 (Sub-1-1TA), filed March 15, 1982. Applicant: BRITOM TRUCKING, INC., 185 Weed Hill Avenue, Stamford, CT 06905. Representative: Marc S. Weissman, 1234 Summer Street, P.O. Box 3204, Stamford, CT 06905. *Contract carrier:* irregular routes: *Rubber and plastic products: (STCC Code 30)* between points in the U.S. (except AK and HI) under continuing contract(s) with Carlan, Inc. of Stamford, CT. Supporting shipper: Carlan, Inc., 84 Lennox Avenue, Stamford, CT 06905.

MC 144598 (Sub-1-7TA), filed March 18, 1982. Applicant: C & J TRANSPORT, INC., P.O. Box 42, Rt. 32, N. Vassalboro, ME 04962. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th Street, NW., Washington, DC 20005. *Food and related products,* between Aroostook and Cumberland Counties, ME, on the one hand, and, on the other, points in the U.S. located in and east of MN, IA, MO, AR and TX. Supporting shipper: AKF Foods, Inc., P.O. Box 809, Presque Isle, ME 04769.

MC 161033 (Sub-1-1TA), filed March 16, 1982. Applicant: CARDINAL CONTAINER, INC., 500 Nordhoff Place, Englewood, NJ. Representative: Jack L. Schiller, 123-60 83rd Avenue, Kew Gardens, NY 11415. *Contract Carrier:* irregular routes: *Skins, hides and finished leather* between New York, NY, on the one hand, and, on the other, the facilities of Feuer Leather Corp. located at Gloversville and Johnstown, NY, under continuing contract(s) with Feuer Leather Corp. of New York, NY, restricted to traffic having a prior or subsequent movement by water. Supporting shipper: Feuer Leather Corp., 3 Park Avenue, New York, NY 10016.

MC 151567 (Sub-1-2TA), filed March 12, 1982 Applicant: VAN ECK & LOSITO TRUCKING, INC., 110 Ridge Place, Wayne, NJ 07470. Representative: Harold L. Reckson, 33-28 Halsey Road, Fair Lawn, NJ 07410. *Contract carrier:* irregular routes: *Food and related products, and materials, equipment and supplies used in the manufacture and distribution thereof,* between New York, NY, and points in its Commercial Zone, Orlando and Hialeah, FL, Pennsauken, NJ, and Rochester, NY, on the one hand, and, on the other, points in GA, SC, VA, MD, DE, NY, NJ, NY, PA, CT, MA and RI, under continuing contract(s) with Omni Continental, Inc., its affiliates and subsidiaries, Carlstadt, NJ. Supporting shipper: Omni Continental, Inc., its affiliates & subsidiaries, 600 Commercial Avenue, Carlstadt, NJ 07072.

MC 161034 (Sub-1-1 TA), filed March 16, 1982. Applicant: FAIRFIELD TRANSPORTATION GROUP, INC., 28 Suzanne Circle Box 78, Fairfield, CT 06430. Representative: Charles M. McCullough Jr. (same as applicant). *Passengers and their baggage, in the same vehicle, in charter operations* from Fairfield and New Haven Counties, CT to points in NH, VT, MA, RI, NY, NJ, PA, DE, MD, DC, and VA, and return. Supporting shipper(s): Fairfield Public Schools, 760 Stillson Road, Fairfield, CT 06430; Fairfield University Glee Club, 1073 North Benson Road, Fairfield, CT 06430.

MC 112908 (Sub-1-1TA), filed March 15, 1982. Applicant: KINGSWAY TRANSPORTS LIMITED, 401 Milner Avenue, Scarborough, Ontario, CD M1B 2V7. Representative: John W. Bryant, 900 Guardian Building, Detroit, MI 48226. *Contract carrier:* irregular routes: *Precast concrete panels* between Boston, MA, on the one hand, and, on the other, the ports of entry located on the U.S./CD Boundary Line at Highgate Springs, VT and Champlain, NY, under continuing contract(s) with Prefac Concrete, Quebec, CD. Supporting shipper: Prefac Concrete, 8501 Ray Dawson Blvd., Ville d'Anjou, Quebec, CD H1S 1K6.

MC 123898 (Sub-1-1TA), filed March 17, 1982. Applicant: LEONARD J. MORIN d.b.a. MORIN'S AUTO BODY SHOP, 188 Warren Avenue, Portland, ME 04103. Representative: Leonard J. Morin (same as applicant). *Contract carrier:* irregular routes: *Coarse concrete aggregate in bulk, in dump*

trailers, from Westboork, ME to Seabrook, NH, under continuing contract(s) with Blue Rock Industries, Westbrook, ME Supporting shipper: Blue Rock Industries, 58 Main Street, Westbrook, ME 04092.

MC 161022 (Sub-1–1TA), filed March 15, 1982. Applicant: DAVID ELDRIDGE PATE AND PHILIP MONCKTON d.b.a. "RIGHT-AWAY" SHIPPING SERVICE, 363 East Atlantic Avenue, Atco, NJ 08004. Representative: Philip Monckton, 27 Valley Drive, Pine Hill, NJ 08021. *Pharmaceuticals along with pharmaceutical-related products sold to wholesale, retail, and chain-type grocery and pharmaceutical houses* from the facilities of "Drug House" located in Philadelphia, PA to points in the States of PA, NJ, NY and its Commercial Zone. Supporting shipper: "Drug House", 1011 W. Butler Street, Philadelphia, PA.

MC 115452 (Sub-1–2TA), filed March 17, 1982. Applicant: SCOBIES TRANSPORT LIMITED, 10 Cente Street, London, Ontario, CD N6J 1T5. Representative: John Guandolo, Thomas N. Willess, 1000 Sixteenth Street, NW, Suite 502, Solar Building, Washington, DC 20036. *Contract Carrier:* irregular routes: *Aircraft engines, auxiliary power units, engine modules, engine stands, fuselage parts, landing gear assemblies, pallets and containers, aircraft seats, ground power units, tow tractors, and air conditioning units,* between ports of entry on the International Boundary Line between the U.S. and CD, on the one hand, and, on the other, points in the U.S. (except AK and HI) under continuing contract(s) with Air Canada, Dorval, Quebec, CD. Supporting shipper: Air Canada, P.O. Box 10,000, Air Canada Base 62, Montreal International Airport, Dorval, Quebec, CD H4Y 1C1.

MC 7840 (Sub-1–9TA), filed March 15, 1982. Applicant: ST. LAWRENCE FREIGHTWAYS, INC., LeRay Street Road, P.O. Box 211, Watertown, NY 13601. Representative: Werner J. Steinaker (same as applicant). *Foodstuffs, refrigerated and non-refrigerated, and material, equipment, and supplies used in the manufacture and distribution thereof* between Jefferson County, NY, on the one hand, and, on the other, points east of the Mississippi River. Supporting shipper: Borden, Inc., 148 N. Pleasant Street, Watertown, NY 13601.

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 160685 (Sub-II–1TA), filed March 18, 1982. Applicant: MICHAEL NOVELLO d.b.a. K.J.S. TRUCKING, 75 Warner Rd., Hubbard, OH 44425. Representative: Eugene A. Waszkiewicz, P.O. Box 8315, Pittsburgh, PA 15218. *Contract; Irregular: Iron and Steel Articles and Machinery,* Between Youngstown, OH, on the one hand, and, on the other, Houston, TX and Tulsa, OK, for 270 days, under a continuing contract with Fab Art Incorporated, Youngstown, OH for 270 days. Supporting shipper: Fab Art Incorporated, 855 West Federal, Youngstown, OH 44502.

MC 140889 (Sub-II–27TA), filed March 18, 1982. Applicant: FIVE STAR TRUCKING, INC., 4720 Beidler Rd., Willoughby, OH 44094. Representative: Ignatius B. Trombetta, One Public Square, Suite 1001, Cleveland, OH 44113, *Contract; irregular: Metal, plastic and related products* between facilities of Bud Radio, Inc., in Lake County, OH and Maricopa County, AZ, under continuing contract(s) with Bud Radio, Inc. of Willoughby, OH, for 270 days. An underlying ETA seeks 120 days authority. Shipper: BUD RADIO, INC., 4605 East 355, Willoughby, OH 44094.

MC 144076 (Sub-II–TA), filed March 18, 1982. Applicant: SCHWINNEN GRAIN & TRUCKING, INC., R.F.D. #1, Venedocia, OH 45894. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212. *Contract: Irregular: General commodities (except Classes A and B explosives),* between points in the U.S. under continuing contract(s) with Sharp Canning Company, Inc., Rockford, OH, for 270 days. Supporting shipper: Sharp Canning Company, Inc., Rockford, OH 45882.

MC 117036 (SUB-II–1TA), filed March 18, 1982. Applicant: H. M. KELLY, INC., P.O. Box 87, New Oxford, PA 17350. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *Irregular: Contract: Wearing apparel, machinery, leather and fiberboard, including materials, equipment and supplies used in the manufacture, sale and distribution thereof,* between points in PA, KY, WV, IN, and EL Paso, TX, including its commercial zone, for 270 days under continuing contract(s) with Coulson Heel Co. An underlying ETA seeks 120 days authority. Supporting shippers: Coulson Heel Company, Inc. (1) 115 Durango St., El Paso, TX 79901; and (2) 301 Popular St., Hanover, PA 17331.

MC 146298 (SUB-II–3TA), filed March 18, 1982. Applicant: KESS TRANSPORTATION, INC., P.O. Box 5091, Cincinnati, OH 45205. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue, N.W., Washington, DC 20005. *Automotive and marine repair products, chemicals, hand tools, and related products,* between the facilities of Fibre Glass-Evercoat Co., Inc., at or near Hamilton County, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI), for 270 days. An underlying ETA seeks 120 days. Supporting shippers: Fibre Glass-Evercoat Co., Inc., 6600 Cornell Rd., Cincinnati, OH 45242.

MC 144434 (SUB-II–3TA), filed March 15, 1982. Applicant: APOLLO TRUCKING, INC., 1903 Dryden Rd., Dayton, OH 45439. Representative: James Duvall, 20 W. Bridge St., P.O. Box 97, Dublin, OH 43017. *Coal,* from points in KY, PA and WV to points in Erie County, OH for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Johnson Energy Co., 32 N. Main St., Dayton, OH 45402.

MC 150179 (SUB-II–4TA), filed March 15, 1982. Applicant: LOGISTICS, INC., 214 S. Perry St., P.O. Box 638, Dayton, OH 45402. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215. *Contract; irregular: Chemicals, drugs, toilet preparations and materials, equipment and supplies used in the manufacture and distribution of such commodities* between the facilities of Miles Laboratory, Inc. at Elkhart, IN and Dayton, OH, on the one hand, and, on the other, points in PA, OH, WI, MN, NY, NJ, MI, and IN, under continuing contract(s) with Miles Laboratory, Inc., Elkhart, IN, for 270 days. Supporting shipper: Miles Laboratory, Inc., P.O. Box 40, Elkhart, IN 46515.

MC 140889 (Sub-II–26TA), filed March 15, 1982. Applicant: FIVE STAR TRUCKING, INC. 4720 Beidler Rd., Willoughby, OH 44094. Representative: Ignatius B. Trombetta, One Public Square, Suite 1001, Cleveland, OH 44113. *Contract, irregular: metal and plastic products* between the facilities of Van Dorn Co., in Cuyahoga Co., OH and Hillsborough County, FL and from said facilities to points in Dallas and Harris Counties, TX; Philadelphia County, PA; Union County (Elizabethtown), NJ; Erie and Monroe Counties, NY; and Chicago, IL and its commercial zone, under continuing contract(s) with Van Dorn Company, of Solon, OH, for 270 days. Shipper: Van Dorn Company, 30301 Carter Street, Solon, OH 44139.

MC 147723 (Sub-II–5TA), filed March 16, 1982. Applicant: E. B. COMPANY, INC., 667 Front St., Berea, OH 44017. Representative: Susan J. Radwan (same as applicant). *Such commodities as are dealt in by wholesale, retail, chain grocery, food business houses, restaurants, institutions or hospitals and equipment, materials and supplies used*

in connection therein, between points in OH, MI, IN, IL, NY, FL, IA, TN, and WI, on the one hand, and, on the other, points in the U.S. for 270 days. Supporting shipper: Robert E. Stumpf Sausage Company, 3301 West 63rd St., Cleveland, OH 44102.

MC 143394 (Sub-II–28TA), filed March 15, 1982. Applicant: GENIE TRUCKING LINE, INC., 401 East Louther Street, P.O. Box 840, Carlisle, PA 17013. Representative: G. Kenneth Bishop (same as applicant). *Contract: Irregular: General Commodities (except class A & B explosives and household goods as defined by the Commission)* from Boston and points within 50 miles of Boston, from the Chicago commercial zone and from the Los Angeles commercial zone to points in CA, LA, AR, MO, KS, IL, IN, AL, FL, GA, MS, NC, SC, TN, KY, OH, PA, NY, MD, NJ, DE, VA, CT, MA and RI under continuing contract(s) with Seacoast Shippers Association, of Allston, MA for 270 days. Supporting shipper: Seacoast Shippers Association, 90 Western Avenue, Allston, MA 02134.

MC 161018 (Sub-II–1TA), filed March 15, 1982. Applicant: C. W. FLETCHER, 594 E. Ohio St., Box 435, Circleville, OH 43113. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212. *Contract: Irregular: General commodities, except commodities in bulk and classes A and B explosives,* between Columbus, OH, on the one hand, and, on the other, points in AL, AR, CO, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, NH, NJ, NY, NC, OH, PA, RI, SC, SD, TN, TX, VA, WI, WV, under continuing contract(s) with Consolidated International, Inc. of Columbus, OH for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Consolidated International, Inc., 2020 Corvair Blvd., Columbus, OH 43207.

MC 160826 (Sub-II–1TA), filed March 16, 1982. Applicant: TIGER'S LIMO SERVICE, 8114 Langdon Street, Philadelphia, PA 19152. Representative: John J. Gallagher, 1760 Market Street, Suite 1100, Philadelphia, PA 19103. *Passengers and their baggage for special or charter operations,* beginning and ending in Philadelphia, PA and extending to pts. in NJ and NY, for 180 days. An underlying ETA seeks 120 days authority. Supporting shippers: Ryan Travel, Inc., 109 W. Ridge Pike, Conshohocken, PA 19428; David Tours, 6643 Castor Avenue, Philadelphia, PA 19149; Weir Travel Service, Inc., 4590 Edgemont Avenue, Brookhaven, PA 19015.

MC 156233 (Sub-II–2TA), filed March 15, 1982. Applicant: PATRICIA A. HUTCHINSON, d.b.a. D.J.P. LEASING, 724 Carrollton Ave., Salem, VA 24153. Representative: Patricia A. Hutchinson (same address as applicant). Gray iron casting, from points in VA to points in WV and OH, for 270 days. Supporting shipper: Graham-White Manufacturing Co., Inc., 1209 Colorado Ave., Salem, VA 24153.

MC 107012 (Sub-II–215TA), filed March 15, 1982. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Bruce W. Boyarko (same as applicant). Contract, irregular: *General commodities (except classes A & B explosives and household goods as defined by the Commission)* between points in the U.S., under continuing contract(s) with Rockwool Industries, Inc., Denver, CO, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Rockwool Industries, Inc., P.O. Box 5170, Denver, CO 80217.

MC 117212 (Sub-II–2TA), filed February 12, 1982. Applicant: EYRE BUS SERVICE, INC., 15910 Union Chapel Rd., Woodbine, MD 21797. Representative: L. C. Major, Jr., Suite 304 Overlook Bldg., 6121 Lincolnia Rd., Alexandria, VA 22312. Common, regular: *Passengers and their baggage and express, in the same vehicle with passengers,* between Frederick, MD and Washington, DC: from Frederick over MD Hwy. 355 to Washington, DC and return over the same route, serving all intermediate points. Applicant intends to interline at Washington, DC and Frederick, MD, for 180 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): There are thirteen supporting shipments statements attached to this application which may be examined at the Phila. Regional office.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 161023 (Sub-3–1TA), filed March 15, 1982. Applicant: BOWDEN TRUCKING, INC., Route 1, Box 275, Clayton, AL 36016. Representative: Charles Bowden (same address as applicant). *Lumber and lumber articles, wood, to include treated lumber and material, equipment and supplies used in the manufacture, production, or sale of lumber and lumber articles (except commodities in bulk, in tank vehicles),* between the plant sites of Slawson Lumber Company and Southeast Wood Treating, Inc., and Boutwell Lumber Co., at Louisville, AL, and Finley, Gilbert and Sullivan, Corp. in Eufaula, AL, and all points in GA, FL, MS, LA, AR, TX, TN, NC, SC, VA, OH, IN, IL, and KY. Supporting shippers: Slawson Lumber Company, Post Office Box 97, Louisville, AL 36048; Southeast Wood Treating, Inc., Post Office Box 25, Louisville, AL 36048; Finley, Gilbert and Sullivan, Corp., Post Office Box 613, Eufaula, AL 36027; Boutwell Lumber Company, Louisville, AL 36048.

MC 160779 (Sub-3–1TA), filed March 12, 1982. Applicant: COOPER HOSIERY MILL, INC., 1016 Clark Avenue N.E., Fort Payne, AL 35967. Representative: John W. Cooper, Attorney at Law, P.O. Box 162, Mentone, AL 35984. *Contract carrier,* irregular routes, *textiles, textile products and packaging materials* between points in NC, on the one hand, and, on the other, points in De Kalb County, AL under continuing contracts with Maro Hosiery Co., Inc., Laymon Hughes Hosiery Mill, V.I. Prewett 7 Sons, Inc., Keef Hosiery Mill, and Baker Hosiery Mill. Supporting shippers: There are five (5) supporting shippers which may be reviewed at the ICC Authority Center in Atlanta, GA.

MC 160720 (Sub-3–1TA), filed March 15, 1982. Applicant: ELMER FARMER d.b.a. ELMER FARMER CO., Route #7, Clinton Highway, Powell, TN 37849. Representative: John M. Norris, P.O. Box 2665, Knoxville, TN 37901–2665. *Contract Carrier;* irregular Routes: *Transportation equipment* between points in Johnson, Carter, Sullivan, Washington, Unicoi, Hawkins, Greene, Hancock, Grainger, Hamblen, Cocke, Jefferson, Sevier, Claiborne, Union, Knox, Blount, Campbell, Anderson, Loudon, Monroe, Scott, Morgan, Roane, McMinn, Polk, Bradley, Cumberland, Rhea, Meigs, Hamilton, Bledsoe, Sequatchie, Marion, White, Van Buren, Grundy counties in TN, on the one hand, and, on the other, points in the US except AK and HI, under continuing contract with General Motors Acceptance Corporation. Supporting shipper; General Motors Acceptance Corporation, 9041 Executive Park Drive, Knoxville, TN 37919.

MC 143956 (Sub-3–25TA), filed March 15, 1982. Applicant: GARDNER TRUCKING CO., INC., P.O. Drawer 493, Walterboro, SC 29488. Representative: Steven W. Gardner (same as applicant). *Ovens, cooking ranges, dishwashers, trash compacters, and products, parts and materials related thereto* between Delaware, OH, and Topton, PA, on the one hand, and Oklahoma City, OK, Minneapolis, MN, Chattanooga, TN, Jefferson, LA, Little Rock, AR, Shreveport, LA, points in AZ, points in NM, and points in TX, on the other

hand. Supporting shipper: Caloric Corporation, Topton, PA 19562.

MC 143956 (Sub-3–26TA), filed March 15, 1982. Applicant: GARDNER TRUCKING CO., INC., P.O. Drawer 493, Walterboro, SC 29488. Representative: Steven W. Gardner (same as applicant). *Leather products, silverware, cookware, recreational games and products, and tools* between Atlanta, GA, Worcester, OH, and Pittsburg, PA, on the one hand, and Baltimore, MD, Washington, D.C., Louisville, KY, Denver, CO, Oklahoma City, OK, Kansas City, KS, Detroit, MI, Chicago, IL, Indianapolis, IN, and points in CA and TX. Supporting shipper: WM Industries, 5616 Peachtree Road, Atlanta, GA 30331.

MC 121396 (Sub-3–2TA), filed March 15, 1982. Applicant: GOGGIN TRUCK LINE CO., INC., Cedar King Road, Post Office Box 1067, Shelbyville, TN 37160. Representative: William P. Jackson, Jr., Post Office Box 1240, Arlington, VA 22210. *Common* carrier: regular: *General commodities (except Classes A and B explosives, household goods and commodities in bulk),* (1) between Nashville, TN and Rocky Mount, NC, from Nashville, TN, over Interstate Highway 24 to Interstate Highway 75, then over Interstate Highway 75 to Interstate Highway 40, then over Interstate Highway 40 to Interstate Highway 64, then over Interstate Highway 64 to Rocky Mount, NC, and return; and (2) between Nashville, TN and Charleston, SC, from Nashville over Interstate Highway 40 to Interstate Highway 26, then over Interstate Highway 26 to Charleston, SC, serving all intermediate points in (1) and (2) above, and all points in NC, SC and TN as off-route points. There are ten shipper statements attached to this application which may be examined at the ICC Regional office at 1776 Peachtree Street NW., Room 300, Atlanta, GA 30309.

MC 160728 (Sub-3–1TA), filed March 15, 1982. Applicant: SMOKEY TRUCKING INC., RR 2, Ogg Rd., Knoxville, TN 37917. Representative: William T. Key (same as applicant). *Metallic ores, ordinances and accessories, clay, concrete, glass, primary metal products, fabricated metal products and waste or scrap materials.* Between points in the (except and). Supporting Shipper: Metal Exchange Corporation, 111 West Port Plaza Dr., Suite 704, St. Louis, MO 63141.

MC 161091 (Sub-3–1TA), filed March 18, 1982. Applicant: L & M LEASING, PO Box 56, Seagrove, NC 27341. Representative: Blythe Lee Rose, 606 Old Liberty Rd., Asheboro, NC 27203. *Contract carrier;* irregular routes; *synthetic plastic pellets, materials, supplies and equipment* between Asheboro, NC and Chicago, Kankakee, Elk Grove Village, Calumet City, IL; St. Louis, St. Peters, MO; Cincinnatti, Akron, OH; New Johnsonville, Nashville, Shelbyville, TN; Atlanta, Washington, College Park, Rome, Covington, GA; Garwood, Edison, Piscataway, NJ; Edgemoor, DE; Norcross, GA; Chesapeake, So. Boston, VA; Dallas, Houston, Orange, TX; Los Angeles, Riverside, City of Industry, CA; Appleton, Portage, WI; Philadelphia, PA; Terre Haute, IN; Havre de Grace, MD; Pulaski, NY; Hollywood, Kissimmee, FL; Maulding, Easley, Greenville, Spartanburg, SC; Opelika, Montgomery, Sylacauga, AL. Supporting shipper: Color Chip Corporation of NC, Hwy 49 South, PO Box 1717, Asheboro, NC 27203.

MC 161088 (Sub-3–1TA), filed March 18, 1982. Applicant: JAMES M. EDWARDS, d.b.a. EDWARDS TRUCKING CO., Route 3, Box 65, Pulaski, TN 38478. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103. (A) *Rubber and rubber products* (1) from facilities of The R.C.A. Rubber Co. at Akron, OH, to facilities of The Pulaski Rubber Company at Pulaski, TN; (2) from facilities of The Pulaski Rubber Company at Pulaski, TN, to points in the US; and (3) from facilities of The R.C.A. Rubber Co. at Akron, OH, to points in the US; and (B) *steel grinding balls, steel liner plate and iron castings,* from facilities of American Magotteaux Corporation at Pulaski, TN, to points in the US. Supporting shippers: The R.C.A. Rubber Co., 1833 E. Market St., Akron, OH 44305; The Pulaski Rubber Company, P.O. Drawer 1, Pulaski, TN, 38478; and American Magotteaux Corporation, P.O. Box 410, Pulaski, TN 38478.

MC 149133 (Sub-3–21TA), filed March 18, 1982. Applicant: DIST/TRANS MULTI-SERVICES, INC., d.b.a. TAHWHEELALEN EXPRESS, INC., 1333 Nevada Boulevard, Post Office Box 7191, Charlotte, NC 28217. Representative: Charles L. Garrison (same as above). *Contract* carrier, irregular. *Such commodities as are dealt in or used by retail department stores;* between points in NC, SC, GA, NY, KS, PA, IL, MA, NJ, CT, VA. Restricted to service performed under a continuing contract or contracts with Spencer Gifts, Inc., of Atlantic City, NJ. Supporting shipper: Spencer Gifts, Inc., 1050 Black Horse Pike, Atlantic City, NJ 08411.

MC 156944 (Sub-3–2TA), filed March 18, 1982. Applicant: LARRY EDISON MORGAN, d.b.a. MORGAN TRUCKING, Route 1, Box 419–D, Arden, NC 28704. Representative: John W. Alexander, 216 E. Concord Street, Morganton, NC 28655. *Orange Juice Concentrate, in bulk,* from Lake Wales, Eloise, Winterhaven and Lakeland, FL, and commercial zones, to points in SC, VA, GA, and NC, and return. *Organge Juice, bottled,* from Bradenton, FL, and commercial zone, to points in NC, and return. *Ice Cream, packaged,* from Sylacauga, AL, and Ocala, FL, and commercial zones, to points in VA, KY, GA, and NC, and return. Under continuing contract with Flav-O-Rich, Inc., Biltmore Dairy Farms, Inc., and Pine State Creamery, Co. Supporting shippers: Flav-O-Rich, Inc., 10140 Linn Station Road, Louisville, KY 40223; Biltmore Dairy Farms, Inc., 1 Vanderbilt Road, Asheville, NC 28813; Pine State Creamery, Co., P.O. Box 6508, 500 Glenwood Avenue, Raleigh, NC 27628.

MC 146674 (Sub-3–4TA), filed March 18, 1982. Applicant: K.I.T. MOTOR EXPRESS, INC., PO Box 4004, Louisville, KY 40204. Representative: Edward J. Kiley, 1730 M Street, NW., Washington, D.C. 20036. *Contract: irregular: food and food products and materials, equipment, and supplies used in the manufacture, sale and distribution of food products* under continuing contracts with Shedd's Food Products located in Louisville, KY, between Louisville, KY, on the one hand, and, on the other, points in NJ, NY, PA, MD, OH, MO, MI, CO, NE, IA, and KS. Supporting shipper: Shedd's Food Proudcts, 2440 S. Floyd, Louisville, KY 40217.

MC 155013 (Sub-3–5 TA), filed March 17, 1982. Applicant: FREIGHTMASTER, INC., P.O. Box 488, Taylorsville, NC 28681. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064. *Such commodities as are dealt in by wholesale and retail chain grocery stores* between Birmingham, AL; Detroit, MI; Columbus, OH; Atlanta, GA; Savannah, GA; New York City, NY; Deer Park, NY; Wilmington, IL; Racine, WI; Stamford, CT; Dover, DE; and Washington, D.C. under continuing contract(s) with Erwin Specialties. Supporting shipper: Erwin Specialties, P.O. Box 200, Erwin, TN 37650.

MC 151786 (Sub-3–1TA), filed March 17, 1982. Applicant: OZBURN-Hessey Co., P.O. Box 100707, Nashville, TN 37210. Representative: Henry E. Seaton, 1024 Pennsylvania Bldg., 425 13th Street, NW., Washington, DC 20004. *Intervenous solutions and associated hospital supplies,* between the facilities of Ozburn-Hessey Co. at Nashville, TN, on the one hand, and, on the other, points in KY. Supporting shipper(s):

Abbott Laboratories, 14th & Sheridan Rd., N. Chicago, IL 60064.

The following applications were filed in region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 133843 (Sub-4–1TA), filed March 15, 1982. Applicant: ZENITH TRANSPORTATION CORPORATION, 5321 West State St., Milwaukee, WI 53208. Representative: Richard A. Westley, Attorney, 4506 Regent St., Suite 100, P.O. Box 5086, Madison, WI 53705–0086, 608–238–3119. *Contract:* Irregular, *petroleum and petroleum products, in bulk, in tank vehicles,* from pipeline terminals at or near Des Plaines and Rockford, IL to pts in Kenosha, Racine, Rock, Walworth and Waukesha Counties, WI under continuing contract(s) with United Petroleum Corporation of Milwaukee, WI. An underlying ETA seeks 120 day authority. Supporting shipper, United Petroleum Corporation, 4305 South 108th Street, Milwaukee, WI 53227.

MC 136635 (Sub-4–26TA), filed March 15, 1982. Applicant: WHITEFORD TRUCK LINES, INC., 640 West Ireland Road, South Bend, IN 46680. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. (1) *Paper and paper products,* (2) *photocopying machinery and equipment and parts therefor and photocopying materials and supplies,* (3) *advertising materials and supplies and advertising specialty items and accessories (including key holders, wallets, card cases, desktop accessories, and clocks);* and (4) *film and film products,* between the facilities of Saxon Industries, Inc., located in the U.S., on the one hand, and, on the other, points in the U.S. Supporting shipper: Saxon Industries, Inc., 1230 Avenue of the Americas, New York, NY 10020.

MC 141459 (Sub-4–10TA), filed March 15, 1982. Applicant: A G S ENTERPRISES, INC., #1 Clyde Avenue, Litchfield, IL 62056. Representative: Michael R. Solomon (same address as applicant). *Such commodities as are dealt in by manufacturers and distributors of rug cleaning equipment, cleaning chemicals and compounds (except commodities in bulk),* between Fresno, CA and Columbia, MD, and their respective commercial zones, on the one hand, and, on the other, points in the U.S. (except AK & HI), for the account of Rug Doctor, Inc., and its licensees. Supporting shipper: Rug Doctor, Inc., 997 Horan Drive, Fenton, MO 63026.

MC 144927 (Sub-4–17TA), filed March 16, 1982. Applicant: REMINGTON FREIGHT LINES, INC., Box 315, U.S. 24 West, Remington, IN 47977. Representative: Jack Luck (address same as applicant). *Floor coverings and floor tiles, Materials and Supplies used in the installation and sale thereof, in dry van trailers from the facilities of* Tarkett, Inc at Orange County, NY and Lehigh County, PA *to* Cook County, IL; Marion County, IN; Franklin County, OH; Oakland County, MI; Jefferson County, KY; Norfolk, VA; Clarion County, PA; and Cabell County, WV. Supporting shipper: Tarkett Inc, 800 Lanidex Plaza, Parsippany, NJ 07054.

MC 145217 (Sub-4–2TA), filed March 12, 1982. Applicant: RICHARD McNAY, INC., Rural Route 8, Quincy, IL 62301. Representative: Joel H. Steiner, 29 S. LaSalle, Suite 905, Chicago, IL 60603. *Lime and limestone products and building materials,* between Kansas City, KS and points in its commercial zone, on the one hand, and, on the other, points in the States of MO, NE, CO, MN and IL, restricted to traffic moving to or from the facilities of K. C. Wall Products, Inc. d/b/a Ruco, Inc. Supporting shipper: K. C. Wall Products, Inc. d/b/a Ruco, Inc. 9190 Johnson Drive, Shawnee Mission, KS 66203.

MC 145581 (Sub-4–1), filed March 16, 1982. Applicant: HAROLD L. HOOD, d.b.a. HOOD TRUCKING, RR #3, Box 272, Rushville, IL 62681. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. *Contract,* irregular: *Railroad steel beams, and wooden ties, steel accessories and wooden beams and assessories,* from points in IA and Mo to points in IA, IL, KS, MO, and WI. Restricted to traffic moving under continuing contract with Happ's, Inc. Supporting shipper: Happ's, Inc., 3955 Dundee Rd., Northbrook, IL 60062.

MC 146184 (Sub-4–4 TA), filed March 11 , 1982. Applicant: RUSS TAYLOR TRUCKING, INC., Route 6, Box 161, Watertown, WI 53094. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Contract;* irregular: *malt beverages and empty malt beverage containers* between Memphis, TN, on the one hand and, on the other hand, Monroe, WI. Restriction: restricted to transportation performed under continuing contract(s) with Monroe Beverage Co., Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Monroe Beverage Co., Inc., 905 19th Street, Monroe, WI 53566.

MC 153664 (Sub-4–4 TA), filed March 15, 1982. Applicant: FARGO FREIGHT TERMINAL & WAREHOUSE, 1445 5th Avenue N., P.O. Box 1828, Fargo, ND 58102. Representative: Richard P. Anderson, P.O. Box 2581, Fargo, ND 58108. *Contract,* irregular. *General commodities* (except classes A and B explosives, household goods and commodities in bulk), from the facilities of Dry Storage Corporation in Cook and Du Page Counties, IL, to points in ND, MN and WI under contract(s) with Dry Storage Corporation. Supporting shipper: Dry Storage Corporation, 2205 West 43rd Street, Chicago, IL 60609.

MC 154207 (Sub-4–3 TA), filed March 12, 1982. Applicant: J. C. ELLIS TRANSPORTATION, INC., P.O. Box 1009, Washington Park, IL 62204. Representative: John M. Hessel, One Mercantile Center, St. Louis, MO 63101. *General commodities except Classes* A & B explosives between points in IN, KY, MI, OH, MO, IL, WI, TN, AR, OK, CO, IA, MN, KS, LA, MS, on the one hand, and, on the other, Chicago, IL, and its commercial zone and St. Louis, MO and its commercial zone. Supporting shipper: Alliance Shippers, Inc., 8440 Archer Road, Willow Springs, IL 60490.

MC 155535 (Sub-4–2TA), filed March 16, 1982. Applicant: EARL DUNCAN TRANSPORT, INC., Rt. #3, Box 99, Carthage, IL 62321. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. *Contract,* irregular: *Farm and cultivating equipment, sub assemblies and components,* between Colchester, IL on the one hand, and, on the other, points in IA, IN, MI, MN and OH. Restricted to traffic moving under continuing contract(s) with Yetter Manufacturing Company, Inc. An underlying E/T/A seeks 120 days authority. Supporting shipper: Yetter Manufacturing Company, Inc., Box 358, Colchester, IL.

MC 156539 (Sub-4–3TA), filed March 16, 1982. Applicant: HOUSER TRANSPORT, INC., 3125 U.S. Rte. 30, West, Fort Wayne, IN 46808. Representative: James P. Kirkhope, P.O. Box 15296, Fort Wayne, IN 46885. *Contract* irregular: (1) *Iron and steel articles;* (2) *Building materials;* (3) *Rubber and plastic articles;* (4) *Transportation equipment;* and (5) *Equipment, materials and supplies used in the manufacture, distribution, installation and sale of (1), (2), (3) and (4)* above between Allen and Noble Counties, IN, on the one hand, and, on the other hand, points in the U.S. under continuing contracts with Fort Wayne Pools, Inc. of Fort Wayne, IN, Casad Railway Equipment, Inc. of New Haven, IN, KES Fabricators, Inc. of Wawaka, IN, and T.F.C. Canopy of LaOtto, IN. Supporting shippers: Fort Wayne Pools, Inc., 510 Sumpter Drive, Fort Wayne, IN 46804, Casad Railway Equipment, Inc., Edgerton Drive, New Haven, IN 46774,

KES Fabricators, Inc., RFD #1, Wawaka, IN 46794, and T.F.C. Canopy, 6511 S/R 205, LaOtto, IN 46763. An underlying ETA application for 120 days was filed.

MC 157457 (Sub-4–12TA), filed March 15, 1982. Applicant: CONGOLEUM CARTAGE CORPORATION, 2323 S. 17th St., Elkhart, IN 46516. Representative: H. Barney Firestone, Sullivan & Associates, Ltd., 10 S. LaSalle St., Suite 1600, Chicago, IL 60603. *Deck and paddle boats,* between Elkhart, IN on the one hand, and, on the other, Shelby, NC; Atlanta, GA; Waco, TX; Waukegan, IL; Tulsa and Stillwater, OK; Orlando, FL; Denver, CO; Phoenix, AZ; Pittsburgh, PA; and Minneapolis, MN. Supporting shipper: Godfrey Conveyor Company, Inc. 22787 County Road 14, Elkhart, IN 46516.

MC 158655 (Sub-4–7TA), filed March 12, 1982. Applicant: GRAND EXPRESS, INC., 4750 Clyde Park SW., Grand Rapids, MI 49509. Representative: H. Barney Firestone, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603. *Such commodities as are dealt in or utilized by wholesale and retail department stores and food chain stores,* between the facilities of Meijer, Inc. in Licking, Hamilton, Lucas, Clark, Marion, Butler and Hancock Counties, OH; Kenton County, KY; and points in MI on the one hand, and, on the other, points in and east of ND, SD, NE, KS, OK and TX. Supporting shipper: Meijer, Inc., 2727 Walker Rd., N.W., Grand Rapids, MI 49504.

MC 160742 (Sub-4–2TA), filed March 15, 1982. Applicant: METZ CHRISTMAN, 218 East Worden Ave., Ladysmith, WI 54848. Representative: Michael J. Collins, TOMLINSON, GILLMAN & TRAVERS, S.C., 330 East Wilson St., P.O. Box 2075, Madison, WI 53701. *Contract,* irregular: *Glass and related articles* from Chicago, IL to points in IA, MN and WI. Restricted to traffic moving under a continuing contract(s) with Torstenson Glass Co., Inc. Supporting shipper: Torstenson Glass Co., Inc., 3233 N. Sheffield, Chicago, IL 60657.

MC 160805 (Sub-4–1TA), filed March 15, 1982. Applicant: HALL TRUCKING COMPANY, INC., State Road 37 North, Orleans, IN 47452. Representative: Andrew K. Light, SCOPELITIS & GARVIN, 1301 Merchants Plaza, Indianapolis, IN 46204. *General commodities* (except Classes A and B explosives, household goods, and commodities in bulk), between DuBois, Lawrence, and Orange Counties, IN, on the one hand, and, on the other, Chicago, IL; Indianapolis, IN; and Lexington, KY. An underlying ETA seeks 120 days of operating authority. Supporting shippers: There are 12 statements of support attached.

MC 161025 (Sub-4–1), filed March 15, 1982. Applicant: MIKE SATTERLEE AND CLARK JENNER, d.b.a. CAMSCO, a partnership, Box 1264, Williston, ND 58801. Representative: Charles E. Johnson, P.O. Box 2056, Bismarck, ND 58502. *Commodities* (except drilling rigs or liquid commodities in bulk) between points in Stark, Williams and McKenzie Counties, ND on the one hand and on the other, points in ND, SD, MT, WY, restricted to payloads of 7500 pounds or less in hot shot service. Applicant seeks 120 day ETA. Supporting shippers: WellPro, Inc., P.O. Box 2436, Williston, ND; Basco, P.O. Box 2039, Williston, ND; Tesoro Land & Marine Rental Co., Box 1767, Williston, ND; and Challanger Rental, Inc., P.O. Box 2537, Williston, ND.

MC 161029 (Sub-4–1TA), filed March 16, 1982. Applicant: CONSCHULL CONTINENTAL LINES, INC., 620 E. Jefferson St., Plymouth, IN 46563. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. *Contract:* irregular: *Passengers and their baggage* in the same vehicle with passengers, in charter operations, under continuing contract(s) with Rainbow Travel, Inc., of Plymouth, IN. Supporting shipper: Rainbow Travel, Inc., 620 E. Jefferson St., Plymouth, IN 46563.

MC 102817 (Sub-4–6–TA), filed March 17, 1982. Applicant: PERKINS FURNITURE TRANSPORT, INC., 5034 Lafayette Road, P.O. Box 24335, Indianapolis, IN 46224. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204. *Contract* irregular: *furntiure, furniture parts and fixtures, and materials, equipment and supplies used in the manufacture thereof,* between the facilities of Pilliod Cabinet Company, at or near Swanton, OH, Pilliod of Alabama, Inc., at or near Selma, AL, and Pilliod of Carolina, Inc., at or near Nichols, SC, on the one hand, and, on the other, points in the U.S., in and east of ND, SD, NE, KS, and that part of OK and TX on and east of U.S. Highway 281, under continuing contract(s) with Pilliod Cabinet Company, of Swanton, OH, and its wholly-owned subsidiaries, Pilliod of Alabama, Inc., of Selam, AL, and Pilliod of Carolina, Inc., of Nichols, SC for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Pilliod Cabient Company, 105 Woodland Avenue, Swanton, OH 43558.

MC 113952 (Sub-4–1TA), filed March 16, 1982. Applicant: HARVEY SERVICE, INC., 6001 West State St., Milwaukee, WI 53213. Representative: John C. Goheen, 2100 Marine Plaza, Milwaukee, WI 53202. *Contract* Irregular: *Retail merchandise as* dealt by and supplied to persons who operate chain retail and mail order department stores which sell general merchandise between points in IL. located in Lake, McHenry, Boone, Cook, Du Page, Kane, De Kalb, Will, Kankakee, Kendall, Grundy and La Salle Counties and points in WI. located east of U.S. Highway 51, for Sears, Roebuck & Company, Chicago, IL, under a continuing contract or contracts. Supporting shipper: Sears, Roebuck & Company Chicago, Illinois.

MC 141600 (Sub-4–1TA), filed March 17, 1982. Applicant: CALUMET BUS SERVICE, INC., 2323 W. 47th Ave., Gary, IN 46408. Representative: Richard W. Postma, 2351 E. 170th St., South Holland, IL 60473. *Contract* irregular, *passengers and their baggage* between Gary, IN on the one hand, and Chicago, IL on the other, restricted to service to be performed under monthly contract with the Gary Loopers. ETA was filed. Supporting shipper: Gary Loopers, 700 Roosevelt Street, Gary, IN 4604.

MC 144757 (Sub-4–14), filed March 19, 1982. Applicant: DAKOTA PACIFC TRANSPORT, INC., 3204 E. St. Patrick, Rapid City, SD 57701. Representative: J. Maurice Andren, 1734 Sheridan Lake Rd., Rapid City, SD 57701, Phone: 605343–4036. *Contract* irregular: *Building Materials, including lumber and plywood,* between points in OR, WA, ID, MT and SD, under contract with Georgia-Pacific Corporation. A corresponding ETA Application has been filed for 120 days. Supporting shipper: Georgia-Pacific Corporation, 900 S.W. Fifth Ave., Portland, or 97204.

MC 145359 (Sub-4–4TA), filed March 15, 1982. Applicant: THERMO TRANSPORT INC., P.O. Box 41587, Indianapolis, IN 46241. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. *Contract:* Irregular, *general commodities* (except Classes A and B explosives, commodities in bulk, and household goods), between the facilities of the Essex Group on the one hand, and, on the other, points in the U.S. under continuing contracts with Essex Group, Fort Wayne, IN. Supporting shipper: Essex Group, P.O. Box 1216, Ft. Wayne, IN 46801.

MC 151968 (Sub-4–9TA), filed March 17, 1982. Applicant: ALLSTATE TRANSPORTATION COMPANY, 2000 W. 96th St., Bloomington, MN 55431. Representative: Marvin M. Mueller (Address same as applicant). *Contract:* Irregular, *Containers, plastic articles, and such commodities as are dealt in by*

office furniture and supply houses, material equipment and supplies used in the manufacture, sale and distribution thereof, under continuing contracts with the Liberty Diversified Industries and/or L.D.I. Transport, Inc., between points in the U.S. Supporting shipper: Liberty Diversified Industries and/or L.D.I. Transport, Inc., 5600 North County Road 18, New Hope, MN 55428.

MC 155118 (Sub-4–4TA), filed March 18, 1982. Applicant: T.D.S. TRANSPORTATION, INC., 1700 S. Wolf Road, Des Plaines, IL 60018. Representative: H. Barney Firestone, Esq., Sullivan & Associates, Ltd., 10 S. LaSalle St., Suite 1600, Chicago, IL 60603. *Contract;* irregular, *Urea, melamine crystal and sugar* from Donaldsonville and New Orleans, LA and Blythville, AR to Dallas, TX. Supporting shippers: Plastics Manufacturing Company, 2700 S. Westmoreland, Dallas, TX 75224. Supporting shipper: Plastics Manufacturing Company, 2700 S. Westmoreland, Dallas, TX 75224.

MC 156403 (Sub-4–2TA), filed March 18, 1982. Applicant: J. J. CAMALICK & SONS, INC., d.b.a. J AND J CARTAGE, 18657 Henry Street, Lansing, IL 60438. Representative: Robert C. Collins, Jr., 850 Burnham Avenue, Calumet City, IL 60409. *Salt, excavated materials and road building materials in dump vehicles,* between points in the States of IL, IN, MI, OH, WI. Supporting shippers: Southland Excavating, 3514–178th Street, Lansing, IL 60438, and Ken Angotti and Son Landscaping, Inc., 10813 Avenue C., Chicago, IL 60617.

MC 160783 (Sub-4–1TA), filed March 17, 1982. Applicant: SCHULTE TRANSPORT, P.O. Box 150, Lakeville, Minnesota 55044. Representative: James M. Christenson, 4444 IDS Center, 80 South Eighth Street, Minneapolis, Minnesota 55402. (1) *Contract Carrier,* Irregular Route: *Paper and allied products* between Sioux Falls, SD, on the one hand, and, on the other, points in MN, IA, ND and SD for the account of Dakota Corrugated Box Co. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Dakota Corrugated Box Co., P.O. Box 1664, Sioux Falls, SD 57101.

MC 160936 (Sub-4–1TA), filed March 17, 1982. Applicant: PRB ENTERPRISES, INC., 2609 Mockingbird Lane, Granite City, IL 62040. Representative: Steven L. Weiman, Suite 200, 444 N. Frederick Ave., Gaithersburg, MD 20877. *Metal and metal products,* between points in Madison County, IL, on the one hand, and, on the other, points in the U.S. Supporting shippers: Doolan Steel, P.O. Box 154, Madison, IL 62060; Granite City Steel, Div. of National Steel Corp., 20th and State Sts. Granite City, IL 62040; Ferralloy, 2500 Nameoki Dr., Granite City, IL 62040.

MC 161064 (Sub-4–1TA), filed March 17, 1982. Applicant: NATIONAL BULK CARRIERS, INC., 207 South 20th St., Belleville, IL 62221. Representative: Jon F. Hollengreen, 1020 Pennsylvania Building, Pennsylvania Ave. & 13th St., N.W., Washington, D.C. 20004. *Commodities in bulk,* between Clinton County, IA, on the one hand, and, on the other, points in the U.S. Supporting shipper: Clinton Corn Processing, 600 Three First National Plaza, Chicago, IL 60602.

MC 161068 (Sub-4–1TA), filed March 17, 1982. Applicant: TOWNS CHARTER, INC., 2245 Redbud Trail S., Niles, MI 49120. Representative: M. Sherman Drew, 302 Sycamore St., Niles, MI 49120. *Passengers and their baggage in the same vehicle with passengers in charter operations* beginning and ending at Niles, MI and extending to points in the continental U.S. Supporting shippers: There are 7 statements of support attached.

MC 161069 (Sub-4–1TA), filed March 17, 1982. Applicant: ROFFERS BROTHERS TRUCKING, INC., 750 Glory Road, Green Bay, WI 54303. Representative: Nancy J. Johnson, 103 East Washington Street, Box 218, Crandon, WI 54520. *Fresh Meat* from the facilities of Fox Valley Beef, Inc., Green Bay, WI to Memphis, TN; Davenport, IA; Cedar Rapids, IA; Omaha, NE; Allentown, PA and Columbus, OH. Supporting shipper: Fox Valley Beef, Inc., P.O. Box 3520, Green Bay, WI 54303.

MC 161070 (Sub-4–1TA), filed March 17, 1982. Applicant: BOGENREIF & SON, Big Stone City, SD 57216. Representative: Mike Bogenreif (same address as applicant). *Bagged and bulk fertilizer* between points in Roberts and Grant counties, SD to points in the U.S. Supporting shipper: Cargill Inc., Box 590, Milbank, SD 57252, and Equity Co-operative Association, Box 5, Wilmot, SD 57279.

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 125535 (Sub-5–22TA), filed March 15, 1982. Applicant: NATIONAL SERVICE LINES, INC. OF NEW JERSEY, 2275 Schuetz Road, St. Louis, MO 63141. Representative: Donald S. Helm (same as above). Contract: Irregular, *General Commodities (except commodities in bulk in tank vehicles, household goods and Class A and B explosives).* Between the facilities of W.R. Grace and Company, Construction Products Division and points in the U.S. Supporting shipper: W.R. Grace & Company, Construction Products Division, 62 Whittmore Avenue, Cambridge, MA 02140.

MC 144616 (Sub-5–9TA), filed March 15, 1982. Applicant: SOUTHWESTERN CARRIERS, INC., P.O. Box 79495, Saginaw, TX 76179. Representative: Harry F. Horak, 5001 Brentwood Stair Road, Suite 115, Fort Worth TX 76112. *Tires, tubes, articles used in the manufacture and distribution of tires, and related products* between Duvall county, FL, on the one hand, and, on the other, Points in the U.S. Supporting shipper: Jim Martin Tire Company, 522 Park Street, Jacksonville, FL 32203.

MC 146553 (Sub-5–23TA), filed March 15, 1982. Applicant: ADRIAN CARRIERS, INC., 1822 Rockingham Road, Davenport, IA 52808. Representative: James M. Hodge, 3730 Ingersoll Avenue, Des Moines, IA 50312. (1) *Machine tools, and (2) Such commodities as are dealt in or used by fabricators of fiberglass products,* between the facilities of Douglas Machine & Engineering Co. and Yankee Plastic Co. at Davenport, IA on the one hand, and, on the other, pts in the U.S. Supporting shipper(s): Yankee Plasitc Co., 1037 West Fourth Street, Davenport, IA 52802; Douglas Machine & Engineering Co. 1724 West 4th Street, Davenport, IA 52802.

MC 147676 (Sub-5–14TA), filed March 16, 1982. Applicant: KEATON TRUCK LINES, INC., P.O. Box 1187, Texarkana, TX 75504. Representative: Patsy R. Washington (same as applicant). Contract; Irregular *Copper Cathodes, Copper Rods, Molybdenum, and items dealt in by Cities Service Company* between AZ, NY, TX, and VA on the one hand, and, on the other, AZ, CA, IL, KS, LA, OK, TX, and UT. Supporting shipper: Cities Service Company, Box 100, Miami, AZ 85539.

MC 151641 (Sub-5–4TA), filed March 16, 1982. Applicant: WILLIAM E. JOHNSON, d.b.a. WILLIAM E. JOHNSON TRUCKING COMPANY, 11211 Sherman Avenue, Dallas, TX 75220. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. *Such commodities as are dealt in or used by food, grocery, department or variety stores and business houses* between Dallas County, TX, on the one hand, and, on the other, Oklahoma City and Tulsa, OK; Albuquerque, Hobbs, Las Cruces and Santa Fe, NM; and El Paso, TX. Supporting shipper(s): Skaggs

Company, Inc., 970 Security Row, Richardson, TX 75081.

MC 151751 (Sub-5–3TA), filed March 15, 1982. Applicant: DOYAL BRUNSON, d.b.a. BRUNSON, P.O. Box 489, Dodge City, KS 67801. Representative: Clyde N. Christey, KS, Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Part 1—*slate and marble,* From VT to Polk County, AR; Knox County, TN and Bonneville County, ID. Part 2—*granite,* From VT, TX, OK, ND, SD and U.S. *ports* to Polk County, AR and Knox County, TN and Part 3—*processed stone products* From Polk County, AR; Knox County, TN and Bonneville County, ID to points in the U.S. Supporting shipper: Slate Limited, Star Route 8, Box 199A, Mena, AR 71953.

MC 151751 (Sub-5–4TA), filed March 15, 1982. Applicant: DOYAL BRUNSON, d.b.a. BRUNSON, P.O. Box 489, Dodge City, KS 67801. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Meat, meat products and meat by-products and articles distributed by meat packinghouses as described in sections A and C of appendix I to report in Descriptions in Motor Carrier Certificates 61 MCC 209 and 766.* Part 1—From Cache County, UT to points in TX, OK, KS, CO and NE. Part 2—From Dawson County, NE to Cache County, UT—Part 3) From the facilities of Gooch Packing Co., Abilene, TX to KY; NY and RI. Part 4—From Dawson County, NE to points in FL, GA, KY, MS, TN and UT. Supporting shippers: Cornland Dressed Beef Co., Box 130, Lexington, NE 68850; Gooch Packing Co., 800 Almond St., Box 2738, Abilene, TX 79604; E. A. Miller & Sons Packing Co., P.O. Box EA, Hyrum, UT 84319.

MC 153009 (Sub-5–2TA), filed March 15, 1982. Applicant: SPUR TRUCK LINE, INC., 5211 Allen, Houston, TX 77007. Representative: Thomas F. Sedberry, P.O. Box 2023, Austin, Texas 78768. *Oilfield commodities,* between points in Brazoria, Galveston and Harris Counties, TX, on the one hand, and, on the other, points in OK. Supporting shippers: 8.

MC 153962 (Sub-5–4TA), filed March 15, 1982. Applicant: NEBRASKALAND CONTRACT CARRIERS, INC., P.O. Box 1190, Kearney, NE 68847. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. Contract; Irregular. *General commodities,* between pts in the U.S. under a continuing contract(s) with AIFP Trading Group and its subsidiaries. Supporting shipper: AIFP Trading Group, P.O. Box 4209, Portland, OR 97208.

MC 159982 (Sub-5–3TA), filed March 15, 1982. Applicant: O.L. EXPRESS, LTD., Box 327, Carlisle, IA 50047. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. *Such merchandise as is dealt in by wholesale and retail grocery houses.* Between Pts in Polk County, IA, on the one hand, and, on the other, Pts in AR, IL, IN, KS, MI, MN, MS, MO, NY, OH, PA and WI. Supporting shipper: Super Valu Stores, Inc., 3900 Northwest 106th Street, Des Moines, IA 50303.

MC 161009 (Sub-5–1TA), filed March 15, 1982. Applicant: JAMES WHITE, d.b.a. JAMES WHITE TRUCKING, 11222 Hooper Road, Baton Rouge, LA 70811. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205. *Asphalt and asphalt compounds* (1) from Baton Rouge, LA to Natchez, MS and (2) from points in AL, MS, and TX to Baton Rouge, LA. Supporting shippers: American Asphalt Products, 2116 N. 4th Street, Baton Rouge, LA 70802 and Dale Polk & Son, Inc., P.O. Box 1301, Natchez, MS 39120.

MC 26825 (Sub-5–25TA), filed March 18, 1982. Applicant: ANDREWS VAN LINES, INC., P.O. Box 1609, Norfolk, NE 68701. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. *Tire and rubber products,* between the facilities of Dunlop Tire and Rubber Corporation in the U.S. on the one hand, and, on the other, Pts in the U.S. Supporting shipper: Dunlop Tire and Rubber Corporation, P.O. Box 1109, Buffalo, NY 14240.

MC 60066 (Sub-5–11TA), filed March 18, 1982. Applicant: BEE LINE MOTOR FREIGHT, INC., 1804 Paul Street, Omaha, NE 68102. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Contract; irregular: *General commodities (except commodities in bulk, household goods as defined by the Commission, Classes A & B explosives, and commodities which because of size or weight require the use of special equipment),* between Pts in the U.S. (except AK and HI) under continuing contract(s) with K Mart Corporation of Troy, MI. Supporting shipper: K Mart Corporation, 3100 West Big Beaver Road, Troy, MI 48084.

MC 124711 (Sub-5–8TA), filed March 18, 1982. Applicant: BECKER CORPORATION, P.O. Box 1050, El Dorado, KS 67042. Representative: T. M. Brown, P.O. Box 2650, Edmond, OK 73083. *Chemicals and chemical wastes,* between points in Butler County, KS, on the one hand, and, on the other, points in the U.S. Supporting shipper: Pratt & Lambert, Inc., Wichita, KS 67201.

MC 125299 (Sub-5–5TA), filed March 19, 1982. Applicant: WITTE BROTHERS EXCHANGE, INC., 690 East Cherry St., Troy, MO 63379. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112. *Alcoholic beverages* (except in bulk, in tank vehicles), between points in CA, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK and TX. Supporting shipper: Paul Masson Vineyards, Inc., 915 Stoup Rd, San Jose, CA 9515.

MC 135861 (Sub-5–22TA), filed March 17, 1982. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *General commodities* (except classes A and B explosives, commodities in bulk in tank vehicles, and used household goods), between points in the U.S., under continuing contract(s) with Tarkett, Inc., Parsipanny, NJ; Anatec Image, Inc., Binghampton, NY; and Ozalid Corporation, Binghampton, NY.

MC 139973 (Sub-5–15TA), filed March 17, 1982. Applicant: J. H. WARE TRUCKING, INC., P.O. Box 398, Fulton, MO 65251. Representative: Ronald R. Adams or Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. *Charcoal briquets,* from Salem, MO to points in CA, AZ, OR and WA. Supporting shipper: Imperial Products Corporation, 655 Craig Road, Suite 300, St. Louis, MO 63141.

MC 146814 (Sub-5–3TA), filed March 18, 1982. Applicant: VAN WYK, INC., "C" Street, Sheldon, IA 51201. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. *Meat and meat products,* between the facilities of John Morrell & Co. located at Estherville, IA, and Sioux Falls, SD, on the one hand, and, on the other, pts. in the states of AL, FL, GA, LA, MS, NC, OK, SC and TN. Supporting shipper: John Morrell & Co., 208 South LaSalle, Chicago, IL 60604.

MC 150017 (Sub-5–5TA), filed March 3, 1982. Applicant: DELICIOUS FOODS CARRIERS, INC., P.O. Box 730, Grand Island, NE 68801. Representative: Jack L. Shcultz, P.O. Box 82028, Lincoln, NE 68501. *Contract;* Irregular. *Food and related Products,* between points in the U.S. under a continuing contract(s) with Golden Dipt, Div. of DCA Foods, Inc., 100 East Washington and Millstadt, East St. Louis, IL 62260.

MC 152921 (Sub-5–3TA), filed March 17, 1982. Applicant: HOU-TEX TRANSPORTATION, INC., P.O. Box 38591, Houston, TX 77088. Representative: Clayte Binion, 623 So. Henderson, 2nd Floor, Fort Worth, TX

76104. *Mercer commodities,* between points in TX, on the one hand, and, on the other, points in LA, OK and NM. There are 21 supporting shippers.

MC 155062 (Sub-5–3TA), filed March 18, 1982. Applicant: AVERY PRUITT AND SON, INC., Route 1, Box 1A, Jasper, AR 72641. Representative: Jay C. Miner, P.O. Box 313, Harrison, AR 72601. (1) *Oil and oil products (except in bulk)* from points in the U.S. to points in AR, restricted to the transportation of shipments destined to the facilities of Lair Oil Company; (2) *Items as are usually dealt in by wholesale, retail and chain grocery stores* between points in the U.S. restricted to the transportation of shipments originating at or destined to the facilities of Mass Merchandisers, Inc.; (3) *Clothing and materials and supplies used in the manufacture thereof,* between points in Marion, Baxter, Stone, Searcy, Izard and Fulton Counties, AR, on the one hand, and, on the other, points in the U.S.; and (4) *Charcoal briquets, and materials and supplies used in the manufacture thereof,* between points in the U.S., restricted to the transportation of shipments originating at or destined to the facilities utilized by Husky Industries, Inc. Supporting shippers: Husky Industries, Inc., 62 Perimeter Center East, Atlanta, GA 30346; Marion County Shirt Co., Yellville, AR 72687; Lair Oil Company, Inc., 308 Industrial Park Road, Harrison, AR 72601; and Mass Merchandisers, Inc., Hwy. 43, Harrison, AR 72601.

MC 160753 (Sub-5–1TA), filed March 18, 1982. Applicant: ROLAND ACOSTA, d.b.a. ACOSTA FRUIT AND VETETABLE CO., Route 1, Box 129A, Mission, TX 78572. Representative: Timothy J. Herman, 522 First Federal Plaza, Austin, TX 78701. *Paper and allied products* between points in LA, on the one hand and points in the Continental United States on the other. Restricted to the account of Crown Zellerbach Corp. Supporting shipper: Crown Zellerbach Corporation, P.O. Box 1060, Bogalusa, LA 70427.

MC 160753 (Sub-5–2TA), filed March 18, 1982. Applicant: ROLAND ACOSTA, d.b.a. ACOSTA FRUIT AND VETETABLE CO., Route 1, Box 129A, Mission, TX 78572. Representative: Timothy J. Herman, 522 First Federal Plaza, Austin, TX 78701. *Foodstuffs and kindred products:* (1) From Houston, TX and San Antonio, TX to McAllen, TX; (2) From Fort Worth, TX, Dallas, TX, Oklahoma City, OK, Denton, TX, Corpus Christi, TX and Hereford, TX to Mission, TX, McAllen, TX, Brownsville, TX and Hidalgo, TX; (3) From the facilities utilized by Southwestern Foods at points in the United States to points in TX, to wit; Amistad, Brownsville, Del Rio, Delores, Eagle Pass, El Paso, Falcon Dam, Laredo, Hidalgo, Presidio, Progresso, Rio Grande City, and Roma; and (4) Between the facilities used by Fruitico at or near Hidalgo, TX and points in the United States. Supporting shippers: Fruitico, Avenida El Posita Con Peru, Reynosa, Mexico; Vera Trading, 1234 Bluebonnet, Pharr, TX; Villarreals Produce Co., Inc., 920 Reynosa, Mission, TX 78572; R & G Warehouse Grocers, 204 West St. Francis, Brownsville, TX.

MC 160786 (Sub-5–1TA), filed March 18, 1982. Applicant: TULSA TRANSPORTATION, INC., 6015 South 49th W. Ave., Tulsa, OK 74107. Representative: Michael H. Lennox, 531 N. Portland, Box 75613, Oklahoma City, OK 73147. *Alcohol and alcoholic beverages,* between Tulsa, OK and San Diego, CA. Supporting shipper: Jarboe Sales Co., 1210 Mid-Continent Bldg., Tulsa, OK 74103.

MC 161044 (Sub-5–1TA), filed March 17, 1982. Applicant: CURTIS KELLY, d.b.a. C. KELLY TRUCKING, Star Route, Box 10, Hodgen, OK 74939. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. Contract, irregular. *Washed Metallurgical Coal,* between Sebastian County, AR, and the facilities of Lone Star Steel Company, Morris County, TX. Supporting shipper: Great National Corp., McCurtain, OK.

MC 161102 (Sub-5–1TA), filed March 19, 1982. Applicant: MOON, INC., d.b.a. ADVENTURE COACHES, 7512 Wilden Drive, Des Moines, IA 50322. Representative: William L. Fairbank 2400 Financial Center, Des Moines, IA 50309. *Passengers and their baggage,* in round-trip charter operations beginning and ending at points in Boone, Dallas, Jasper, Madison, Marion, Polk and Warren Counties, IA and extending to points in the U.S., except HI. Supporting shipper: Hawkeye Tours, Inc., 8450 Hickman Road, Des Moines, IA 50322; Iowa Travel Ltd., 2928 Ingersoll Ave., Des Moines, IA 50312; RST Tours, P.O. Box 2012, Ankeny, IA 50021.

MC 161103 (Sub-5–1TA), filed March 19, 1982. Applicant: SPARTAN TRANSPORT SYSTEMS, INC, 2703 Cartwright, Dallas, TX 75212. Representative: Lawrence A. Winkle, P.O. Box 45538, Dallas, TX 75245. *Food and related products* from Clinton, OK to Dallas and San Antonio, TX. Supporting shipper(s): Bar-S Foods Company, 1163 E. Commerce, San Antonio, TX 78205.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6, Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 142066 (Sub-6–2TA), filed March 15, 1982. Applicant: THEOPHANE LAWRENCE SCHLEGEL & DIANA GAYLE SCHLEGEL, a partnership, d.b.a. CENTRAL PACIFIC FREIGHT LINES, 950 W. First St., Eugene, OR 97401. Representative: Jerry R. Woods, 1600 One Main Pl, 101 SW Main St., Portland, OR 97204. *Commom carrier,* regular route, *general commodities (except household goods as defined by the Commission, class A & B explosives, hazardous wastes and commodities in bulk):* between Brookings, OR and Eureka, CA: from Brookings over US Hwy 101 to Eureka, CA and return over the same route, serving no intermediate points, and serving Eureka, CA for purposes of interline only, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: There are 18 shippers. Their statements may be examined at the Regional Office listed. Note: Applicant intends to tack the authority sought with its existing authority and to interline with other carriers at Eureka, CA and existing routes.

MC 155150 (Sub-6–2TA), filed March 15, 1982. Applicant: CLAWSON TRUCKING COMPANY, INC. d.b.a. CLAWSON BROS., 1909 Mitchell, Ceres, CA 95307. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055–3273. *Talc, crushed limestone, and mineral or asphalt filler, supplies and equipment used in the mining and distribution of such commodities,* from Calaveras and San Bernardino Counties, CA to Pierce County, WA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: CertainTeed Corporation, P.O.B. 860, Valley Forge, PA 19482.

MC 161026 (Sub-6–1TA), filed March 15, 1982. Applicant: LCO ENTERPRISES, 1230 Hamilton Court, Menlo Park, CA 94025. Representative: Jules J. Aron (same as applicant). *Contract Carrier,* Irregular routes: *General Commodities (except Class A & B Explosives, hazardous materials or commodities in bulk)* under continuing contract with Longs Drug Stores, Inc. between Menlo Park, CA on the one hand, and, points in Washoe, Douglas, Storey Counties, and Carson City, NV on the other, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Longs Drug Stores, Inc., 141 N. Civic Dr, Walnut Creek, CA 94596.

MC 149036 (Sub-6–6TA), filed March 12, 1982. Applicant: MAHAFFEY'S WAREHOUSE, INC., P.O. Box 317, Yellow Jacket, CO 81335. Representative: James F. Crosby & Associates, 7363 Pacific St., Suite 210B, Omaha, NE 68114. *Such commodities as are dealt in or used by producers & distributors of alcoholic beverages,* between Houston and Longview, TX and points in CA, on the one hand, and, on the other, Albuquerque, Santa Fe, and Roswell, NM (and points in their commercial zones), for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: (1) Pucci Distributing, P.O.B. 289, 5105 Williams S.E. Albuquerque, NM 87103; (2) State Distributors, Inc.; State Beer Distributors, Inc., P.O.B. 2045, Albuquerque, NM 87103.

MC 157626 (Sub-6–4TA), filed March 15, 1982. Applicant: NAVAJO EXPRESS, INC., 5150 Brighton Blvd., Denver, CO 80216. Representative: Charles J. Kimball, 1600 Sherman #665, Denver, CO 80203. *Contract Carrier,* Irregular routes: *general commodities* (except household goods as defined by the Commission, commodities in bulk and Classes A and B Explosives), between points in the U.S. (except AK and HI) under continuing contract(s) with United Forwarding, Inc. of Omaha, NE, for 270 days. Supporting shipper: United Forwarding, Inc., 7000 Building #445 Omaha, NE 68106.

MC 160649 (Sub-6–3TA), filed March 15, 1982. Applicant: SMALLEY TRUCKING CO., P.O.B. 486, Sutherlin, OR 97479. Representative: Michael J. Smalley (same as applicant). *Agricultural chemicals (including insecticides, fungicides, herbicides, growth hormones, soil addiatives, peat moss and potting soils,* between points in OR, WA, CA, NV, UT, MT, and ND, for 270 days. Supporting shippers: Wilbur-Ellis Co., NW Division, P.O.B. 8838 Portland, OR 97208 and Grange Co-op Supply, 2531 S. Pac. Hwy., Medford, OR 97501.

MC 157426 (Sub-6–1TA), filed March 12, 1982. Applicant: BRIAN W. SMITH TRANSPORTATION COMPANY, S. 702 Felts Road, Spokane, WA 99206. Representative: Russell A. Evans, 410 Maynard Building, 119 First Ave. S. Seattle, WA 98104. *Contract Carrier,* Irregular routes, *General Commodities (except Classes A and B explosives, household goods and hazardous wastes),* between Spokane, WA and points in WA, OR, CA, AK, for the account of Hathaway Meats, Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Hathaway Meats, Inc., P.O.B. 13347, Dishman Branch, Spokane, WA 99213.

MC 161007 (Sub-6–1TA), filed March 12, 1982. Applicant: DANNY AND GARY DANIELS, d.b.a. SUPERIOR TOWING, 2339½ 23rd Avenue, Greeley, CO 80631. Representative: Manuel A. Andrade, Jr., 770 Grant St., Suite 244, Denver, CO 80203. *Disabled or wrecked motor vehicles and trailers* between points in AZ, CO, IA, ID, KS, MO, MT, NE, OK, NM, ND, OR, SD, TX, UT and WY, for 270 days. Supporting shippers: Shupe Bros. Co., P.O. Box 1447, Greeley, Co. 80632; Edwards Chevrolet Co., 721-Tenth St., Greeley, CO. 80632.

MC 126791 (Sub-6–1TA) filed March 15, 1982. Applicant: SUTTER MOVING & STORAGE CO., INC. 4503 Railroad Avenue, Sacramento, CA 95826. Representative: Floyd L. Farano, 2555 E. Chapman Ave., Suite 415, Fullerton, CA 92631. *Contract Carrier* Irregular routes. *Used household goods* (1) between Sacramento, Placer, Amador, Alpine, Eldorado, and Nevada Counties, CA and (2) within a 50 mile radius of Sacramento, CA. Said operations are restricted to (1) the transportation of traffic having a prior or subsequent movement in containers and (2) to the performance of pickup and delivery service in connection with packing, crating and containerization, or unpacking, uncrating and decontainerization of such traffic, for the account of McClellan Air Force Base, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: McClellan Air Force Base, Sacramento, CA 95652.

MC 147528 (Sub-6–9TA), filed March 15, 1982. Applicant: T.A.S. TRUCKING, INC., 2652 Springwood Dr., Meridian, ID 83642. Representative: Dan L. Poole, P.O.B. 1559, Boise, ID 83701. *General commodities* (except Class A and B explosives, household goods, and hazardous wastes) between points in WA, OR, CA, AZ, NV, ID, MT, WY, UT, CO and NM, for 270 days. Supporting shippers: There are 11 shippers. Their statements may be examined at the Regional Office listed above.

MC 160929 (Sub-6–1TA), filed March 15, 1982. Applicant: T-N-T SERVICES, INC., 711 N. Fairview, Santa Ana, CA 92703. Representative: Charles J. Kimball, #665 1600 Sherman, Denver, CO 80203. *Clay, concrete, glass or stone products* from Wichita Falls, TX and points in its commercial zone to points in the U.S. in and west of MT, WY, CO and NM, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Certainteed Corporation—FRD, 4515 Allendale Road, Wichita Falls, TX 76310.

MC 121835 (Sub-6–1TA), filed March 15, 1982. Applicant: VIKING FREIGHT SYSTEM, INC., 3405 Victor St. Santa Clara, CA 95050. Representative: Thomas M. Loughran, 100 Bush St., 21st Fl., San Francisco, CA 94104. *Common Carrier,* regular routes, *general commodities* (except Classes A & B explosives, household goods class A and B explosives, hazardous wastes, and commodities in bulk) between Willits, CA and Eureka, CA, over U.S. Highway 101, serving no intermediate points, restricted to transportation of shipments interlined with Central Pacific Freight Lines at Eureka, CA, for 270 days. An underlying ETA seeks 120 days authority. Note: Applicant intends to tack the authority sought with its existing authority and to interline with other carriers at Eureka, CA. Supporting shipper: Central Pacific Freight Lines, 940 W. First, Eugene, OR 97401.

MC 139857 (Sub-6–2TA), filed March 16. 1982. Applicant: T. W. TRANSPORT, INC., P.O.B. 3347, Spokane, WA 99220. Representative: James E. Wallingford, P.O.B. 2647, Spokane WA 99220. *General Commodities* (excluding Type A and B explosives, household goods, and hazardous waste materials) between points in AZ, CA, CO, ID, MT, NV, MN, OR, UT, WA, and WY: for 270 days. Supporting shippers: There are 25. Their statements may be examined at the regional office above.

MC 142935 (Sub-6–5–TA), filed March 17, 1982. Applicant: PLASTIC EXPRESS, 2301 E. Francis St., Ontario, CA 91761. Representative: Richard C. Celio, 2300 Camino Del Sol, Fullerton, CA 92633. (1) *Rubber and Plastic Products,* and, (2) *Chemicals and Related Products,* between the warehouse and manufacturing facilities of Cosden Oil and Chemical Company located at points in NJ, on the one hand, and, on the other, points in and east of MS, TN, KY, IL and WI., for 270 days. Supporting shipper: Cosden Oil and Chemical Company, P.O.B. 410, Dallas, TX 75221.

MC 148874 (Sub-6–7–TA), filed March 17, 1982. Applicant: PROFICIENT FOOD COMPANY, 17872 Cartwright Road, Irvine, CA 92705. Representative: Floyd L. Ferano, 2555 E. Chapman Avenue., Fullerton, CA 92631. *Contract Carrier* Irregular routes: *Alcoholic Beverages* between Detroit, MI, Lawrenceburg, IN, Claremont, KY, Louisville, KY, Jacksonville, FL, Hammondsport, NY, St. Louis, MO, Brooklyn, NY, Hartford, CT, Baltimore, MD and Gonzales, CA, on the one hand; and Chicago, Waukegan and Plainfield, IL on the other hand, under continuing contract with Federated Industries, Inc., for 270 days. An

underlying ETA seeks 120 days authority. Supporting shipper: Federated Industries, Inc., 4130 S. Morgan St., Chicago, IL 60609.

MC 142311 (Sub-6–4–TA), filed March 15, 1982. Applicant: QUALITY STEAKS TRANSPORTATION CO., INC., 5100 Race Ct., Denver, CO 80216. Representative: Charles J. Kimball, 1600 Sherman #665, Denver CO 80203. *Food and related products* (1) From Denver, CO and points in its commercial zone to points in NY, NJ, CT, MA, RI, DC, MD, DE, VA, GA, MI, IL, MN, IA, AR, LA, TX, OK, KS, NE, ND, SD, MT, WY, CO, NM, AZ, NV, UT, ID, WA, OR, and CA; (2) Elkhart, IN and Springfield, IL and points in their commercial zones to points in MT, WY, CO, NM, AZ, UT, ID, NV, OR, WA, and CA: (3) Missoula, MT and points in its commercial zone to points in WA, OR, CA, ID, UT, NM, ND, and SD; and (4) points in CA, UT, CO, IN, NY, NJ, MA, DE, AND ME to Missoula, MT, for 270 days. Supporting shippers: There are five shippers. Their statements may be examined at the Regional Office listed above.

MC 160796 (Sub-6–1TA), filed March 16, 1982. Applicant: TOUR-MASTERS TRANSPORTATION COMPANY, 1054 Wilshire Blvd., Ste. 303, Los Angeles, CA 90017. Representative: Milton W. Flack, 8484 Wilshire Blvd., Ste. 840, Beverly Hills, CA 90211. *Passengers and their baggage,* in the same vehicle with passengers, in special or charter operations, beginning and ending at points in Los Angeles, San Bernardino, San Diego and Orange Counties, CA, and extending to points in NV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: There are thirteen shippers. Their statements may be examined at the regional office listed.

MC 112989 (Sub-6–21TA), filed March 16, 1982. Applicant: WEST COAST TRUCK LINE, INC., 85647 Hwy. 99 So., Eugene, OR 97405. Representative: John T. Morgans (same as applicant). *Bentonite clay, drilling mud, drilling mud additives, montmorillonite, and zeolite,* between points in Big Horn and Hot Springs Counties, WY, on the one hand, and, on the other, points in CA, CO, IL, IA, KS, LA, MI, MO, MT, NE, NM, ND, OH, OK, SD, TX, and UT, for 270 days. Supporting shipper: Wyo-Ben, Inc., 1242 No. 28th St., P.O. B. 1979, Billings, MT 59103.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-8293 Filed 3-26-82; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29720 (Sub-1) and Finance Docket No. 26115 (Sub-12)]

Guilford Transportation Industries, Inc. and Boston and Maine Corp.; Oral Argument in Consolidated Proceeding

AGENCY: Interstate Commerce Commission.

ACTION: Notice of oral argument.

SUMMARY: This notice announces an oral argument to be held before the entire Commission in this consolidated proceeding.

DATE: April 7, 1982, 9:30 a.m.

ADDRESS: Headquarters of the Interstate Commerce Commission, Hearing Room A, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Earnest Abbott, (202) 275–3002.

SUPPLEMENTARY INFORMATION: For additional information concerning the schedule of arguments and the specific issues to be addressed, *see* the Commission decision served March 24, 1982. For copies contact Interstate Commerce Commission, Room 2227, 12th & Constitution Avenue, NW., Washington, D.C. 20423, or call toll free (800) 424–5403.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-8291 Filed 3-26-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

Correction

In FR Doc. 5682 appearing at page 9085 in the issue for Wednesday, March 3, 1982, please make the following corrections:

(1) On page 9086, in the third column, in the paragraph "MC 151559 (Sub–3–2TA)" filed by "the Gray Rock Farm, Inc.", in the tenth line, "Claremong" should have been "Claremont".

(2) In the same paragraph, in the twelveth line, please insert "KY" between "KS" and "MD".

BILLING CODE 1505-01-M

[Vol. No. 240]

Permanent Authority Decisions; Restriction Removals; Decision-Notice

March 23, 1982.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions appliable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 67167 (Sub-13)X, filed August 19, 1981, previously noticed in the **Federal Register** of September 8, 1981 and October 16, 1981, republished as follows: Applicant: E.D. FEE TRANSFER, INC., P.O. Box 1464, New Castle, PA 16103. Representative: Harold G. Hernely, Jr., P.O. Box 1281, Old Town Station, Alexandria, VA 22313. Applicant previously broadened its authorities in its lead and sub 12 certificates. It proposed broadening a territory reading points in that part of WV north of U.S. Hwy 22 to county-wide territory. The Board denied this request but on appeal, Division 1 in No. MC–67167 (Sub-No. 13)X, *E.D. Fee Transfer, Inc.—Administrative Appeal* (Not printed) decided 3–9–82 found that such request was appropriate given the circumstances of the case. The Division noted that U.S. Hwy 22 bisects two counties at the northern most tip of WV so that both were only partially authorized. The Division concluded that where a highway boundary territory authorizes less than one county in a State, county-wide expansion is proper. Notice is hereby given that applicant proposes to broaden "that part of WV north of U.S. Hwy 22" to "points in Hancock and Brooke Counties, WV."

[FR Doc. 82-8288 Filed 3-26-82; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a 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) 276–7326.

Volume No. OP2–54

Decided: March 17, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 160822, filed March 2, 1982. Applicant: A.B.C. SPECIAL DELIVERY, INC., 724 E. 11th St., Chattanooga, TN 37403. Representative: Kenneth Lee Davis, Jr., 6404 E. Brainerd Rd., Chattanooga, TN 37421; 615–899–3442. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (including AK and HI).

MC 160853, filed March 5, 1982. Applicant: CHARLES A. VITTI d.b.a. VITTI TRUCKING, 35 Turnpike Rd:, Southborough, MA 01745. Representative: Robert D. Hansen, P.O. Box 625, Framingham, MA 01701; 800–225–9490. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 160872, filed March 8, 1982. Applicant: PAUL M. CARTER d.b.a. PAUL M. CARTER AND SON, 1206 Berkshire Rd., Fayetteville, NC 28304. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Ave., NW., Washington, DC 20005; (202) 347–9332. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

Volume No. OP3–046

Decided: March 18, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 129384 (Sub-5), filed February 25, 1982. Applicant: BETHANY EXPRESS, INC., Box 4005, Station A, Kansas City, MO 64101. Representative: Tom B. Kretsinger, 20 E. Franklin, P.O. Box 258, Liberty, MO 64068; (816) 781–6000. Transporting *general commodities,* between Clarinda and Hepburn, IA, and Irvington, NE, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—The purpose of this application is to substitute motor carrier service for abandoned rail service.

MC 140985 (Sub-1), filed March 8, 1982. Applicant: DAVID L. ANKENY d.b.a. ANKENY TRUCKING CO., 6410 S.E. Pine St., Portland, OR 97215. Representative: (Same as applicant) (503) 232–5859. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 160885, filed March 5, 1982. Applicant: PONY EXPRESS, INC., P.O. Box 280, Camden, DE 19934. Representative: Lester R. Gutman, 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, DC 20001; (202) 628–9243. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 160914, filed March 8, 1982. Applicant: JERRY DEWALL, d.b.a. JDW TRANSPORT, 7115 28th Ave., Hudsonville, MI 49426. Representative: Jerry DeWall (same address as applicant) (616) 669–1266. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 160934, filed March 9, 1982. Applicant: JON SCOTT DISTRIBUTION INC., 557 Barron Ave., Woodbridge, NJ 07095. Representative: Charles J. Williams, P.O. Box 186, Scotch Plains, NJ 07076; (201) 322–5030. As a *broker of*

general commodities (except household goods), between points in the U.S.

Vol. No. OP3–048

Decided: March 19, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Carleton not participating.)

MC 141094 (Sub-12), filed March 11, 1982. Applicant: ACME TRUCKING, INC., 109A E. Main St., Newark, OH 43055. Representative: John F. Duttera, Jr. (same address as applicant) (614) 345–3462. Transporting, for or on behalf on the United States Government, *general commodities,* (except used household goods, hazardous or secret materials and sensitive weapons and munitions), between points in the U.S.

MC 161004, filed March 12, 1982. Applicant: IMFAK TRAFFIC, INC., 4834 Wright Terrace, Skokie, IL 60077. Representative: Irwin D. Rozner, 134 North LaSalle St., Chicago, IL 60602; (312) 782–6937. As a *broker of general commodities,* (except household goods), between points in the U.S.

MC 160905, filed March 8, 1982. Applicant: WORLD WIDE COURIER, INC., 3540 S. Lawrence St., Philadelphia, PA 19148. Representative: Harry R. Bell (same address as applicant); (215) 463–1900. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S., and (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Volume No. OP4–102

Decided: March 19, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 160926, filed March 9, 1982. Applicant: AMERFORD INTERNATIONAL CORPORATION, 218–01 Merrick Blvd., Jamaica, NY 11413. Representative: Tomas Greenberger (same address as applicant); (212) 438–7000. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

Vol. No. OP4–103

Decided: March 23, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Carleton not participating.)

MC 154646 (Sub-12), filed March 16, 1982. Applicant: A & O ENTERPRISES, INC., d.b.a. GREATWEST TRANSPORTATION SYSTEMS, 2022 Kent Ave., Grand Island, NE 68801. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501; (402) 475–6761. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 161006, filed March 12, 1982. Applicant: STEVEN H. WHITE d.b.a. PACIFIC SEA-CAL CARRIERS, 10136 Dupont Ave., S, Bloomington, MN 55431. Representative: Arlene J. White (Same address as applicant); (612) 881–3093. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 161016, filed March 15, 1982. Applicant: WAYNE L. WHEATLEY d.b.a. WHEATLEY TRUCKING, Pearl St., P.O. Box 354, Walnut, IA 51577. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309; (515) 244–2329. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverage and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 160916, filed March 8, 1982. Applicant: ORVILLE S. STORLIE d.b.a. STORLIE TRUCKING CO., INC., 63008 Stenkamp Rd., Bend, OR 97701. Representative: Orville S. Storlie (Same address as applicant); (503) 382–6496. Transporting *(1) food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and feritilzers, and soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI) and (2) as a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 160956, filed March 10, 1982. Applicant: A P X INTERNATIONAL, INC., 851B Main St., Hackensack, NJ 07601. Representative: Gabrielle Devincenzo (Same address as applicant); (201) 342–7044. As a *broker of general commodities* (except household goods), between points in the U.S.

Vol. No. OP5–63

Decided: March 18, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 136368 (Sub-3), filed March 5, 1982. Applicant: BOB'S TRANSFER, INC., 1421 South 23rd St., Moorhead, MN 56560. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108; (701) 237–4223. Transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S. (except AK and HI).

MC 160889, filed March 5, 1982. Applicant: RICH FORD, d.b.a. MOOSE CREEK, East 12704 Nora, Spokane, WA 99216. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501; (402) 475–6761. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

Vol. No. OP5–65

Decided: March 19, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 160989, filed March 12, 1982. Applicant: DONNIE R. SIMS, 6387 Old Blewett Pass Hwy, Peshastin, WA 98847. Representative: Donnie R. Sims (same address as applicant); (509) 548–7866. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 160979, filed March 12, 1982. Applicant: ROBERT DAVIS & BERT DAVIS, d.b.a. R. L. DAVIS & SON, 1007 Post Road, Oakdale, CA 95361. Representative: Irene Gebe, 2629 S.E. 166th, Portland, OR 97236; (503) 233–5766. Transporting *food and other edible products and byproducts intended for human consumption* (except alchoholic beverages and drugs), *agricultrual limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–8286 Filed 3–26–82; 8:45 am]

BILLING CODE 7035–01–M

Permanent Authority Decisions; Correction

In the **Federal Register** issue of March 18, 1982, 47 FR 11781–11783, Permanent Authority Decision Volume No. OP2–45

was inadvertently published under the wrong application authority description.

To correct document OP2–45 (only), remove the second sentence in the second paragraph which reads "Applications may be protested only on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations."

The rest of the authority description remains the same.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–8287 Filed 3–26–82; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 82–6305, published at page 10091, on Tuesday, March 9, 1982, on page 10095, in the first column, in the third paragraph, "MC 120038 (Sub-10)'" should be corrected to read "MC 120083 (Sub-10)".

BILLING CODE 1505–01–M

Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 82–5973, published at page 9588, on Friday, March 5, 1982, on page 9590, in the second column, in the first paragraph "MC 138308(Sub–17)" should be corrected to read "MC 138308 (Sub-147)".

BILLING CODE 1505–01–M

DEPARTMENT OF JUSTICE

United States of America v. Jack Young, et al.; Proposed Consent Decree in Action To Enjoin Discharge of Air Pollutants

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on March 17, 1982, a proposed consent decree in "United States of America v. Jack Young, et al.", Civil No. 3–82–300, was lodged with the United States District Court for the District of Minnesota. The proposed decree would require defendant Commissioners of the Minnesota Department of Corrections and Administration and the State of Minnesota to operate boilers at the Minnesota Stillwater Prison in compliance with Clean Air Act emission limitations.

The Department will receive for a period of thirty (30) days from the date of this notice written comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Tenth and Pennsylvania Avenue, NW, Washington, D.C. 20530, and should refer to "United States of America v. Jack Young, et al.", DJ Ref. No. 90–5–2–1–325.

A copy of the proposed consent decree may be examined at: (1) The Office of the United States Attorney, District of Minnesota (Attention: Assistant United States Attorney Deborah McNeil), 234 U.S. Courthouse, 110 South 4th Street, Minneapolis, Minnesota 55401; (2) the Region V Office of the U.S. Environmental Protection Agency, (Attn: Enforcement Counsel) 230 South Dearborn Street, Chicago, Illinois 60604; and (3) the Environmental Enforcement Section, Land and Natural Resources Division, U.S. Department of Justice, Room 1515, Ninth and Pennsylvania Avenue, NW, Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, U.S. Department of Justice. In order to cover the reproduction costs, all requests for copies must be accompanied by a check or money order in the amount of $1.20 (10 cents per page) payable to the Treasurer of the United States.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 82–8361 Filed 3–26–82; 8:45 am]

BILLING CODE 4410–01–M

Drug Enforcement Administration

Manufacturer of Controlled Substances; Application

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on January 29, 1982, Stepan Chemical Company, Natural Products, 100 W. Hunter Avenue, Maywood, New Jersey 07607, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Cocaine (9041)	II.
Ecgonine (9180)	II.

Any other such applicant and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Acting Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than April 28, 1982.

Dated: March 22, 1982.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 82–8358 Filed 3–26–82; 8:45 am]

BILLING CODE 4410–09–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Music Panel (Solo Recitalists—Individuals) to the National Council on the Arts; Amended Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Music Panel (Solo Recitalists—Individuals) to the National Council on the Arts that was to be held on March 25–26, 1982, from 9:00 a.m.–6:00 p.m. in room 1422 of the Columbia Plaza Office Complex, 2401 E Street, NW., Washington, D.C. 20506 as totally closed has been changed.

A portion of this meeting will be open to the public on March 25, 1982 from 2:00 p.m.–3:00 p.m. to discuss policy recommendations.

The remaining sessions of this meeting on March 25, 1982, from 9:00 a.m.–2:00 p.m. and from 3:00 p.m.–6:00 p.m. and on March 26, 1982, from 9:00 a.m.–6:00 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

March 24, 1982.

[FR Doc. 82–8359 Filed 3–26–82; 8:45 am]

BILLING CODE 7537–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–293]

Boston Edison Co.; Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 54 to Facility Operating License No. DPR–35, issued to Boston Edison Company, which revised Technical Specifications for operation of the Pilgrim Nuclear Power Station (the facility) located in Plymouth County, Massachusetts. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications to allow operation during Cycle 6 and addresses (1) a reduction in Maximum Average Planar Linear Heat Generation Rate (MAPLHGR) values to account for taking no credit for core spray heat transfer and (2) revised operating limit Minimum Critical Power Ratios (MCPRs) to allow variation with measured scram times.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the licensee's application dated September 22, 1981, (2) the licensee's letters dated October 5, 1981 and December 2, 1981, (3) Amendment No. 54 to License No. DPR–35 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 Plymouth Public Library, North Street, Plymouth, Massachusetts 02360. A copy of items (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 20th day of March 1982.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 82–8336 Filed 3–26–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–293]

Boston Edison Co.; Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 55 to Facility Operating License No. DPR–35, issued to Boston Edison Company, which revised Technical Specifications for operation of the Pilgrim Nuclear Power Station (the facility) located in Plymouth County, Massachusetts. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications to incorporate limiting conditions for operation and surveillance requirements for the containment atmosphere dilution system.

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 Commision has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the licensee's application dated September 30, 1981, (2) Amendment No. 55 to License No. DPR–35, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Documemt Room, 1717 H Street, N.W., Washington, D.C. and at the Plymouth Public Library, North Street, Plymouth, Massachusetts 02360. 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 20th day of March 1982.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 82–8337 Filed 3–26–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–293]

Boston Edison Co.; Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 56 to Facility Operating License No. DPR–35 issued to Boston Edison Company (the licensee) which revised the Technical Specifications for operation of the Pilgrim Nuclear Power Station (the facility) located near Plymouth, Massachusetts. The amendment is effective as of its date of issuance.

The amendment incorporates limiting conditions for operation and surveillance requirements for safety relief valve discharge pipe temperatures and temperature monitoring instrumentation.

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 it does not involve a significant hazards consideration.

The Commission has determined that the issuance of the 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 the issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated February 19, 1982, (2) Amendment No. 56 to License No. DPR-35, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Plymouth Public Library on North Street in Plymouth, Massachusetts 02360. 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 20th day of March 1982.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 82-8338 Filed 3-26-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-293]

Boston Edison Co.; Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 57 to Facility Operating License No. DPR-35 issued to Boston Edison Company (the licensee) which revised the Technical Specifications for operation of the Pilgrim Nuclear Power Station (the facility) located near Plymouth, Massachusetts. The amendment is effective as of the date of issuance.

The amendment modifies the Technical Specifications pertaining to (1) reporting requirements for the radiological environmental surveillance program data, (2) the table of primary containment isolation valves, (3) surveillance requirements performed on the automatic depressurization system from the alternate shutdown panel, and (4) surveillance requirements for the control room high efficiency air filtration system.

The application for 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 it 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 the issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated February 23, 1982, (2) Amendment No. 57 to License No. DPR-35, and (3) the Commission's letter to the licensee dated March 20, 1982. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Plymouth Public Library on North Street in Plymouth, Massachusetts 02360. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 20th day of March 1982.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 82-8339 Filed 3-26-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-293]

Boston Edison Co.; Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 58 to Facility Operating License No. DPR-35 issued to Boston Edison Company (the licensee) which revised the Technical Specifications for operation of the Pilgrim Nuclear Power Station (the facility) located near Plymouth, Massachusetts. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications to incorporate limiting conditions for operation and surveillance requirements for drywell temperature and drywell temperature monitoring instrumentation.

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 it 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 the issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated March 1, 1982, (2) Amendment No. 58 to License No. DPR-35, 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 Plymouth Public Library on North Street in Plymouth, Massachusetts 02360. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 20th day of March 1982.

For the Nuclear Regulatory Commission.

Domenic B. Bassallo,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 82-8340 Filed 3-26-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-269, 50-270, and 50-287]

Duke Power Co.; Issuance of Amendments to Facility Operating Licenses

The Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 108, 108 and 105 to Facility Operating Licenses Nos. DPR-38, DPR-47 and DPR-55, respectively, issued to Duke Power Company, which revised the Technical Specifications (TSs) for operation of the Oconee Nuclear Station, Units Nos. 1, 2 and 3, located in Oconee County, South Carolina. The amendments are effective as of the date of issuance.

These amendments revise the common TSs to reinstate the heatup and cooldown curves for Unit 1 which had been revised by License Amendments 107, 107 and 104 which were issued on February 22, 1982.

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 the issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated March 8, 1982, (2) Amendments Nos. 108, 108, and 105 to Licenses Nos. DPR-38, DPR-47 and DPR-55, respectively, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Oconee County Library, 501 West Southbroad Street, Walhalla, South Carolina 29691. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 16th day of March 1982.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 82-8341 Filed 3-26-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-286]

Power Authority of the State of New York; Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 43 to Facility Operating License No. DPR-64, issued to the Power Authority of the State of New York (the licensee), which revised Technical Specifications for operation of the Indian Point Nuclear Generating Unit No. 3 (the facility) located in Buchanan, Westchester County, New York. The amendment is effective as of the date of issuance.

The amendment on a one-time only basis extends the monthly turbine steam stop closure check until March 31, 1982. This basically extends the testing interval by 8 days.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment March 19, 1982, (2) Amendment No. 43 to License No. DPR-64, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the White Plains Public Library, 100 Martine Avenue, White Plains, New York. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 23d day of March 1982.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 82-8342 Filed 3-26-82; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Ad Hoc Metal Components Subgroup; Meeting

The ACRS Subcommittee on Ad Hoc Metal Components Subgroup will hold a meeting on April 15, 1982, Room 1167, 1717 H Street, NW., Washington, D.C. The Subcommittee will discuss issues relating to pressurized thermal shock to reactor vessels. In addition, the Subcommittee will review the NRC Staff's program on this matter.

In accordance with the procedures outlined in the **Federal Register** on Sept. 30, 1981 (46 FR 47903), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary information and industrial security. One or more closed sessions may be necessary to discuss such information. (SUNSHINE ACT EXEMPTION 4). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Thursday, April 15, 1982-8:30 a.m. until the conclusion of business.

During the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange views regarding the technical aspects of the pressurized thermal shock matter. In addition, the NRC program on pressurized thermal shock will be reviewed.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Elpidio Igne (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m., EST.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to protect proprietary information and industrial security. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: March 23, 1982.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 82-8346 Filed 3-26-82; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Systematic Evaluation Program; Meeting

The ACRS Subcommittee on the Systematic Evaluation Program will hold a meeting on April 15, 1982 in Room 1046, 1717 H Street, NW, Washington, DC. The Subcommittee will review the Systematic Evaluation Program review of Palisades. Notice of this meeting was published March 18.

In accordance with the procedures outlined in the **Federal Register** on September 30, 1981 (46 FR 47903), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary information. (SUNSHINE ACT EXEMPTION 4). One or more closed sessions may be necessary to discuss such information. To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Thursday, April 15, 1982—8:30 a.m. until the conclusion of business.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the Consumers Power Company, NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Richard K. Major (telephone 202/634–1414) between 8:15 a.m. and 5:00 p.m., EST.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to public attendance to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: March 23, 1982.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 82-8345 Filed 3-26-82; 8:45 am]

BILLING CODE 7590-01-M

International Atomic Energy Agency Draft Safety Guide; Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is completing development of a number of internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides are in the following five areas: Government Organization, Design, Siting, Operation, and Quality Assurance. All of the codes and most of the proposed safety guides have been completed. The purpose of these codes and guides is to provide guidance to countries beginning nuclear power programs.

The IAEA codes of practice and safety guides are developed in the following way. The IAEA receives and collates relevant existing information used by member countries in a specified safety area. Using this collation as a starting point, an IAEA working group of a few experts develops a preliminary draft of a code or safety guide which is then reviewed and modified by an IAEA Technical Review Committee corresponding to the specified area. The draft code of practice or safety guide is then sent to the IAEA Senior Advisory Group which reviews and modifies as necessary the drafts of all codes and guides prior to their being forwarded to the IAEA Secretariat and thence to the IAEA Member States for comments. Taking into account the comments received from the Member States, the Senior Advisory Group then modifies the draft as necessary to reach agreement before forwarding it to the IAEA Director General with a recommendation that it be accepted.

As part of this program, Safety Guide SG–D14, "Design for Reactor Core Safety in Nuclear Power Plants," has been developed. Two IAEA working groups, the first consisting of Mr. A. C. Whittier from Canada, Mr. S. Saito from Japan, Mr. A. G. Goode from the United Kingdom, and Mr. B. C. Slifer (Yankee Atomic Power) from the United States of America; the second consisting of Mr. V. C. Orpen from Canada, Mr. F. W. Aisch from the Federal Republic of Germany, and Mr. A. G. Goode from the United Kindgom developed this guide from an IAEA collation. We are now soliciting public comment on this draft dated February 26, 1982. Comments received by the Director, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, by June 1, 1982, will be particularly useful to the U.S. representatives to the Technical Review Committee and the Senior Advisory Group in developing their positions on its adequacy prior to their next IAEA meetings.

Single copies of this draft Safety Guide may be obtained by a written request to the Director, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 522(a)

Dated at Washington, D.C., this 18th day of March 1982.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Nuclear Regulatory Commission.

[FR Doc. 82-8343 Filed 3-26-82; 8:45 am]

BILLING CODE 7590-01-M

Safety Goals; Public Meetings

AGENCY: Nuclear Regulatory Commission.

ACTION: Public meetings on proposed Safety Goals for Nuclear Power Plants.

SUMMARY: The Nuclear Regulatory Commission will hold public meetings in Atlanta, Boston, Los Angeles, and Chicago to obtain public comments on its proposed policy statement on safety goals for nuclear power plants. The proposed policy statement was published in the **Federal Register** on February 17, 1982 (47 FR 7023).

The NRC has contracted with the League of Women Voters to moderate the meetings in Boston, Los Angeles, and Chicago, and to serve as the local contacts. The League will register participants in advance of the meetings, answer questions about the meetings, and fill requests for the background NRC document. For the Atlanta meeting, these activities will be performed by the NRC staff.

Date, Time, Place, and Local Contact:

Atlanta, April 26, 1982, 9–12 noon, Colony Square Hotel, Peachtree at 14th St., N.W.; 7–10 p.m., Powers Ferry Holiday Inn, Route I–285 and Powers Ferry Rd.; contact Kenneth Clark or

Joseph Gilliland, NRC Region II, 101 Marietta Street, Atlanta, Georgia 30303, (404) 221–5503.

Boston, April 29, 1982, 1–5 p.m., 7–10 p.m., Gardner Auditorium, State House, Beacon Street; contact Marcia Wood, League of Women Voters of Massachusetts, 384 Main Street, Winchester, Massachusetts 01890, (617) 721–1633.

Los Angeles, May 3, 1982, 1:30–5 p.m., 7–10 p.m., Los Angeles Convention Center, 1201 South Figueroa; contact Romayne Karl, League of Women Voters of Los Angeles, 808 South Vermont, Suite 200, Los Angeles, California 90005, (213) 381–6411.

Chicago, May 5, 1982, 12 noon-3:30 p.m., 4–7:30 p.m., Americana Congress Hotel, Florentine Room 520 South Michigan, contact Frankie Kozuch, League of Women Voters of Illinois, 67 East Madison, Chicago, Illinois 60603, (312) 236–0315.

SUPPLEMENTAL INFORMATION:

1. *Public Participation.* Any person desiring to speak is encouraged to register in advance by writing or calling the local contact listed above at least three working days before the appropriate meeting. The contacts will assign registrants a specific and limited time to speak. Those present at the meeting who desire to speak but have not pre-registered will be accommodated as time permits.

Each request should state the identity of the speaker, the length of the presentation (not to exceed 5 minutes), the speaker's group affiliation if any, and a mailing address and daytime telephone number at which the speaker may be contacted.

2. *Conduct of the Meeting.* In each city, the public meeting will be held in two sessions. Each session will cover the time shown or may be shortened to the extent indicated by public participation. The purpose of the meeting is to provide an opportunity for interested persons to voice their questions and comments on the proposed safety goal.

Each meeting will follow the same agenda: (1) Registration; (2) introduction and opening remarks by the moderator; (3) opening NRC remarks; and (4) receipt of comments. NRC remarks will consist of a summary of the proposed safety goals and the Commission's proposed method of implementation.

Any further procedures relating to conduct of the meetings will be announced at the meeting by the moderator.

3. *Transcripts.* Transcripts of the meeting will be made available at NRC's Public Document Room, 1717 H Street, N.W., Washington, D.C. Transcripts also may be purchased from the reporter; costs and details of purchase will be announced at each meeting.

4. *Background.* In its response to recommendations of the President's Commission on the Accident at Three Mile Island, the NRC stated that it was "prepared to move forward with an explicit policy statement on safety philosophy and the role of safety-cost tradeoffs in the NRC safety decisions". The Commission's proposed policy statement on safety goals is a step in that direction.

This proposed policy statement focuses on nuclear power plant accidents which may release radioactive materials from the reactor to the environment. The proposed safety goal does not include risks from routine emissions, from the nuclear fuel cycle, from sabotage, or from diversion of nuclear material.

The objective of the present proposed policy statement is to develop goals for limiting to an acceptable level the additional potential radiological risk which might be imposed on the public as a result of accidents at nuclear power plants.

The Commission wishes to make clear at the beginning that no death attributable to a nuclear power plant accident will ever be "acceptable" in the sense that the Commission would regard it as a routine or permissible event. We are discussing acceptable risks, not acceptable deaths.

In developing this draft policy statement, the Commission solicited suggestions provided by workshop discussions among persons drawn from industry, public interest groups, universities, and elsewhere, and representing a broad range of perspectives and disciplines.

The Commission proposes to adopt qualitative safety goals supported by provisional numerical guidelines. Two proposed goals are:

—Individual members of the public should be provided a level of protection from consequences of nuclear power plant accidents such that no individual bears a significant additional risk to life and health.

—Societal risks to life and health from nuclear power plant accidents should be as low as reasonably achievable and should be comparable to or less than the risks of generating electricity by viable competing technologies.

The Commission proposes two provisional numerical guidelines:

—The risk to an individual or to the population in the vicinity of a nuclear power plant site of prompt fatalities that might result from reactor accidents should not exceed one-tenth of one percent (0.1%) of the sum of prompt fatality risks resulting from other accidents to which members of the U.S. population are generally exposed.

—The risk to an individual or to the population in the area near a nuclear power plant site of cancer fatalities that might result from reactor accidents should not exceed one-tenth of one percent (0.1%) of the sum of cancer fatality risks resulting from all other causes.

The Commission also proposes a benefit-cost guideline for use in decisions on safety improvements:

—The benefit of an incremental reduction of risk below the numerical guidelines for societal mortality risks should be compared with the associated costs on the basis of $1,000 per man-rem averted.

The Commission proposes a limitation on the probability of a core melt as a provisional guideline for NRC staff use in the course of reviewing and evaluating probabilistic risk assessments of nuclear power plants:

—The likelihood of a nuclear reactor accident that results in a large-scale core melt should normally be less than one in 10,000 per year of reactor operation.

The Commission requests comments on the issues posed by the following questions as well as on all other aspects on which commentors wish to offer views:

1. Should the benefit side of the tradeoffs include, in addition to the mortality risk reduction benefits, the economic benefit of reducing the risk of economic loss due to plant damage and contamination outside the plant?

2. Should there be added a numerical guideline on availability of containment function, given a large-scale core melt?

3. In implementing the goals and numerical guidelines:

a. What further guidance, if any, should be given for decisions under uncertainty?

b. What further guidance, if any, should be given on resolution of possible conflicts among quantitative aspects of some issue?

c. What approach should be used with respect to accident initiators which are difficult to quantify, such as seismic events, sabotage, multiple human errors, and design errors?

d. Should there be definition of the numerical guidelines in terms of median, mean, 90 percent confidence, etc? If so, what should be the terms?

e. Should the staff action plan include further specification of a process which

will lend credibility to the use of quantitative guidelines and methodology? If so, what should be the principal bases and elements of such guidance?

f. On what basis should the numerical guidelines be applied to protection of individuals? Should they be applied to the individual at greatest risk, or should they be used in terms of an average risk limit over a region near the plant? Any comments or suggestions pertaining to the present discussion of this topic (or other specifics) would be welcome.

4. Should there be specific provision for "risk aversion"? If so, what quantitative or other specific provision should be made?

5. *Document availability.* An NRC document, NUREG–0880, contains the proposed policy statement, several supplemental statements by Commissioners, and a discussion paper describing the development of the policy. Single copies of NUREG–0880 are available free from the League of Women Voters and NRC contacts listed above, or from the NRC–GPO Sales Program, Attention: Sales Manager, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Multiple copies may be purchased from the NRC–GPO Program ($4.75 each) and the National Technical Information Service, Springfield, Virginia 22161 ($9.00 each).

6. *Written comments.* In addition to accepting comments at the public meetings, the Commission is accepting written comments addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Written comments should be received by May 1982. (47 FR 7023.)

7. *For further information:* Contact Mr. Dennis Rathbun, Office of Policy Evaluation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (202) 634–3276.

Dated at Washington, D.C., this 23rd day of March 1982.

For the Nuclear Regulatory Commission.

Forrest J. Remick,

Director, Office of Policy Evaluation.

[FR Doc. 82–8344 Filed 3–26–82; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

March 23, 1982.

OMB has received for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act [44 U.S.C. Chapter 35] since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) The name and telephone number of the Agency Clearance Officer (from whom a copy of the form and supporting documents is available); (2) The office of the agency issuing this form; (3) The title of the form; (4) The agency form number, if applicable; (5) How often the form must be filled out; (6) Who will be required or asked to report; (7) An estimate of the number of responses; (8) An estimate of the total number of hours needed to fill out the form; (9) An indication of whether section 3504(H) of P.L. 96–511 applies; (10) The name and telephone number of the person or office responsible for OMB review.

Copies of the proposed forms and supporting documents may be obtained from the Agency Clearance Officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list should be directed to the reviewer listed at the end of each entry. 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.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202–447–6201

Revisions

• Food Safety and Inspection Service
Regulations Governing Meat Inspection
401, 403–10, 8822–1 4, 441 2, 404, 412, 408, 409–1, 410, 115 6200–2
On occasion, quarterly
State or local governments
Meat processing plants: 2,055,128 responses; 154,171 hours; not applicable under 3504(h)
Charles A. Filett, 202–395–7340

Extensions (Burden Change)

• Food and Nutrition Service
Agreement Between Sponsor and USDA Summer Food Service
Program and data information sheet and part 225
FNS–80 & FNS–418
Nonrecurring
Businesses or other institutions
Pub. & priv. sponsors desiring to partici. in the SFSP, etc.: 5,380 responses; 35,783 hours; not applicable under 3504(h)
Neil Minow, 202–395–7340

Reinstatements

• Food and Nutrition Service
Application for Participation—Sponsor—and Site Information Sheet (SFSP)
FNS–81 & 81–1
Annually
Individuals or households/businesses or other institutions
Sponsors, sites, State administering agencies: 16,484 responses; 47,690 hours; not applicable under 3504(h)
Neil Minow, 202–395–7340

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202–377–3627

Extensions (No Change)

• National Oceanic and Atmospheric Administration
(1) Fishermen's Contingency Fund Claim Application & (2) 5–Day Report Form
NOAA 88–164, 88–166
On occasion
Businesses or other institutions
U.S. commercial fishermen: 1,350 responses; 13,500 hours; not applicable under 3504(h)
Phillip T. Balazs, 202–395–4814

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—703–697–1195

Extensions (Burden Change)

• Departmental and Others
Request for Payment of Funeral and/or Interment Expenses
DD 1375
On occasion
Individuals or households
Next-of-kin claimant: 4,000 responses; 667 hours; not applicable under 3504(h)
Kenneth B. Allen, 202–395–3785

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202–245–7488

New

• Social Security Administration
Study of the Matching Grant Program for Refugee Resettlement
Nonrecurring
Individuals or households
Refugees served by the matching grant program: 80 responses; 60 hours; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

• Social Security Administration
New Beneficiary Survey
SSA–4787 (10–81)
Nonrecurring
Individuals or households

Persons recently receiving social security benefits: 18,000 responses; 18,000 hours; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

Extensions (Burden Change)

• Social Security Administration
Federal Assistance
SSA–96 (4–81)
On occasion
State or local governments
State/local government nonprofit educational institutions: 150 responses; 2,100 hours; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—202–755–5184

New

• Fair Housing and Equal Opportunity
Fair Housing Assistance Program: Notice of Fund Availability and Type I and Type II Application Kits
Annually
State or local governments
State and local fair housing enforcement agencies: 60 responses; 240 hours; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Extensions (Burden Change)

• Housing Programs
Public Housing Contract Administration
HUD–52396
On occasion
State or local governments
Public housing agencies: 250 responses; 500 hours; not applicable under 3504(h)
Robert Neal, 202–395–6880

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—Vivian A. Keado—202–343–6191

Reinstatements

• Office of Surface Mining Reclamation and Enforcement
30 CFR 715—General Performance Standards
Part 715
On occasion
Businesses or other institutions
Coal mining companies: 197,972 responses; 307,450 hours; not applicable under 3504(h)
William T. Adams, 202–395–4814

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Windsor—202–426–1887

Reinstatements

• Federal Aviation Administration
Compliance Plan—FAR 91, Subpart E
Other—See SF83
Businesses or other institutions
Operators of large turbojets: 80 responses; 260 hours; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Christine Scoby—202–382–2742

New

Procurement System Certification Form for Applicants for EPA Assistance (973)
5700–48 973
Nonrecurring
Individuals or Households/State or local governments/businesses or other institutions
Recipients of EPA Assistance: 1,742 responses; 13,936 hours; not applicable under 3504(h)
Robert Shelton, 202–395–7340

Extensions (Burden Change)

Application Form 1—General Information
3510–1 3510–3
Nonrecurring
Businesses or other institutions
Activities which require permits under NPDES, RCRA: 10,000 responses; 110,000 hours; not applicable under 3504(h)
Robert Shelton, 202–395–7340

Extensions (No Change)

Form 2B—Concentrated Animal Feeding Operations
EPA 3510–2B
Nonrecurring
Businesses or other institutions
Concentrated Animal Feeding Operations and Aquatic Prod: 500 responses; 3,000 hours; not applicable under 3504(h)
Robert Shelton, 202–395–7340
Form 2C of EPA consolidated application forms
EPA 3510–2C
On occasion
State or local governments/businesses or other institutions
Exist. Mfg., Commcl., Mining & Silvicultural Operations; 4,500 responses; 180,000 hours; not applicable under 3504(h)
Robert Shelton, 202–395–7340

FOUNDATION FOR EDUCATION ASSISTANCE

Agency Clearance Officer—Wallace McPherson—202–426–7304

New

Household Survey on Parental Choice in Education
ED 882
Nonrecurring
Individuals or households
Pub. & Priv. Sch. Parents, W/Child. Und. 18/in Sel. SMSA's: 1,500 responses; 375 hours; not applicable under 3504(h)
Federal Education Data Acquistion Council, 202–426–5030

BSA Client Data Pretest
ED 900
Nonrecurring
State or local governments
State vocational rehabilitation agencies: 1,200 responses; 600 hours; not applicable under 3504(h)
Federal Education Data Acquistion Council, 202–426–5030

Financial Statistics of Institutions of Higher Education for Fiscal Year Ending 1982
ED (NCES) 2300–4
Annually
Businesses or other institutions
Respondents are universities, colleges and Comm. Colleges: 3,300 responses; 8,250 hours; not applicable under 3504(h)
Federal Education Data Acquistion Council, 202–426–5030

Revisions

1981–1982 Library Human Resources: Study of Supply and Demand (Full-Scale)
ED 2425 ED 2425–1
Nonrecurring
State or local governments/businesses or other institutions
Pub. Librar., Pub. Sch. Librar., Priv. Elem. and Sec., etc.: 2,578 responses; 2,579 hours; not applicable under 3504(h)
Federal Education Data Acquistion Council, 202–426–5030

Reinstatements

Salaries, Tenure and Fringe Benefits of Full-Time Instructional Faculty in Institutions of Higher Education, 1982–83
ED (NCES) 2300–3
Annually
Businesses or other institutions
Colleges and universities: 3,300 responses; 15,840 hours; not applicable under 3504(h)
202–426–5030

Survey of Instructional use of Computers in Public Schools
ED–2379–14
On occasion, other—see SF83
Businesses or other institutions
Public elementary and secondary schools: 800 responses; 400 hours; not applicable under 3504(h)
Federal Education Data Acquistion Council, 202–426–5030

INTERNATIONAL DEVELOPMENT ASSISTANCE

Agency Clearance Officer—Ms. Melita Yearwood—202–632–0084

Extensions (Burden Change)

Management Consultant Questionnaire
AID 1420–6
On occasion
Businesses or other institutions
Primarily both profit-making and non-profit orgns.: 200 responses; 1,000 hours; not applicable under 3504(h)
Phillip T. Balazs, 202–395–4814

Urban and Regional Planner Consultant Questionnaire
AID 1420–19
On occasion
Businesses or other institutions
Primarily both profit-making & non-profit making orgns.: 50 responses; 250 hours; not applicable under 3504(h)
Phillip T. Balazs, 202–395–4814

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Agency Clearance Officer—Chris Cabell—202–755–3219

Reinstatements

New Technology Transmittal
NASA 666
On occasion
Businesses or other institutions
Any contractor doing technical work for NASA: 2,000 responses; 500 hours; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

NATIONAL FOUNDATION ON THE ARTS

Agency Clearance Officer—Donald L. Case—202–634–6378

New

Fellowship Grant Acceptance Agreement
Nonrecurring
Individuals or households
Individuals: 650 responses; 650 hours; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

Revisions

Basic State Grant Application Narrative Format
Annually, biennially, other—see SF83
State or local governments
State arts agencies
SIC: 919
Research and general education aids: 30 responses; 360 hours; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

NUCLEAR REGULATORY COMMISSION

Agency Clearance Officer—Stephen Scott—301–492–8585

New

IF Bulletin, Alteration of Radiographs of Welds in Piping Subassemblies
Nonrecurring
Businesses or other institutions
Nuclear plant sites that have rec'd fabricated piping
Energy information, policy, and regulation: 16 responses; 2,768 hours; not applicable under 3504(h)
Jefferson B. Hill, 202–395–7340

Radiological Contingency Plans
Nonrecurring
Businesses or other institutions
NRC licensees: 61 responses; 30,500 hours; not applicable under 3504(h)
Jefferson B. Hill, 202–395–7340

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202–447–6201

New

• Agricultural Stabilization and Conservation Service
Warehouse Receipt and Draft for Peanuts
Monthly
Farms/businesses or other institutions
Farmers & warehousemen in peanut producing States: 100,000 responses; 8,000 hours; not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

• Forest Service
Survey of Trends in Use Patterns and Visitor Characteristics in the Bob Marshall Wilderness, Montana
Nonrecurring
Individuals or households
Adult mbrs or recrea. visitor grps ent. the Bob Marshall, etc: 384 responses; 127 hours; not applicable under 3504(h)
Charles A. Ellett, 202–395–7340
• Human Nutrition Information Service
Survey of Amino Acids, Vitamins, and Minerals Produced
Imported for use in Foods, 1981
Nonrecurring
Businesses or other institutions
Businesses that mfr or import nutrients that are added, etc.
Agricultural research and services: 50 responses; 500 hours; $10,000 public cost; not applicable under 3504(h)
Nell Minow, 202–395–7340

Reinstatements

• Food and Nutrition Service
Integrated Quality Control Review Schedule
HHS 380
On occasion
Individuals or households/State or local governments
Hsehlds present. or formerly P food stamp prog., etc: 41,267 responses; 328,868 hours; not applicable under 3504(h)
Nell Minow, 202–395–7340

• Food and Nutrition Service
Food Service Management Company Application for Registration (SFSP)
FNS–189
Annually
Business or other institutions
Food service management cos., State administering agencies: 234 responses; 560 hours; not applicable under 3504(h)
Nell Minow, 202–395–7340

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202–377–3627

New

• Economic Development Administration
Business Location impact Study
FD–3720
Nonrecurring
Businesses or other institutions
Recently located firms in Tennessee: 500 responses; 250 hours; not applicable under 3504(h)
Phillip T. Balazs, 202–395–4814

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—703–697–1195

Reinstatements

• Departmental and Others
Department of Defense Industrial Facility Survey—Mobilization Production Planning and Program
DOD 1519–2
Biennially
Business or other institutions
Industrial Facilities of Industrial Mobilization: 2,500 responses; 2,500 hours; not applicable under 3504(h)
Kenneth B. Allen, 202–395–3785

DEPARTMENT OF ENERGY

Agency Clearance Officer—John Gross—202–633–9770

Revisions

• Energy Information Administration
Natural Gas Liquids Operations Report
FIA–64
Monthly
Businesses or other institutions
Operators of natural gas liquids operations facilities: 10,980 responses; 21,960 hours; not applicable under 3504(h)
Jefferson B. Hill, 202–395–7340

Reinstatements

• Federal Energy Regulatory Commission
FERC 534—Application for Production Related Costs
FERC–534
Other—see SF83
Businesses or other institutions
Natural gas producers: 5,000 Responses; 400,000 hours; not applicable under 350(h)
Anita T. Ducca, 202–395–7340

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202–245–7488

New

• Social Security Administration
Notice Regarding Substitution of Party Upon Death of Claimant
HA–539 (7–81)
On occasion
Individuals or households
Claimants requesting hearings on SSA benefit: 25,000 responses; 2,083 hours; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

• Social Security Administration
Claimant's Medications
HA–4632 (8–81)
On occasion
Individuals or households
Claimants requesting hearings on SSA benefit issues: 100,000 Responses; 8,333 hours; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

Extensions (Burden Change)

• Health Care Financing Administration
Referral and Treatment Plan
HCFA–2043, 2043A
Other—see SF83
State or local governments/businesses or other institutions
Home health agencies: 57,200 Responses; 38,100 hours; not applicable under 3504(h)
Fay S. Iudicello, 202–395–3090

Extensions (No Change)

• Health Care Financing Administration
Request for Medicare Payment by MMHD Facility
HCFA–237
Monthly
Businesses or other institutions
Community mental health centers; 30,000 Responses; 6,000 hours; not applicable under 3504(h)
Fay S. Iudicello, 202–395–3090

Reinstatements

• Department Management
Analysis of Government-Owned/Contractor Held Property
OS–30–81
Annually
Businesses or other institutions
Contractors doing business with the departments: 3,000 Responses; 750 hours; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—Vivian A. Keado—202–343–6191

Extensions (Burden Change)

• Bureau cf Land Management
43 CFR 3809—Surface Management of Public Lands Under U.S. Mining Laws
Nonrecurring
Individuals or households/businesses or other institutions
Owners of mining claims, mill sites, and tunnel sites: 6,450 Responses; 5,096 hours; NPRM under 3504(h)
William T. Adams, 202–395–4814

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Larry E. Miesse—202–633–4312

New

• Legal Activities
Implementation of the Equal Access to Justice Act in Department of Justice Administrative Proceedings
Nonrecurring
Individuals or households/businesses or other institutions
Individuals and small businesses: 50 responses; 500 hours; NPRM under 3504(h)
Andy Uscher, 202–395–4814

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—202–523–6331

New

• Pension Benefit Guaranty Corporation
Extension of Special Withdrawal Liability Rules—Procedures for PBGC Approval of Plan Amendments
Nonrecurring
Businesses or other institutions
Multiemployer pension plans and certain indus., etc.: 25 responses; 400 hours; NPRM under 3504(h)
Laverne V. Collins, 202–395–6880

• Labor-Management Services Administration
Proposed Regulation Relating to Update of Summary Plan Description Under ERISA
Other—see SF83
Businesses or other institutions
Bus. sponsoring employee benefit plans covered by ERISA: 16,338,147 responses; 6,305,866 hours; NPRM under 3504(h)
Laverne V. Collins, 202–395–6880

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Windsor—202–426–1887

New

• Urban Mass Transportation Administration
Title VI as it applies to Section 8 of the UMTA Act
Other—see SF83
Businesses or other institutions
Public and private transit operators: 372 responses; 2,976 hours; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

• Urban Mass Transportation Administration
Title VI as it applies to Section 11 of the UMTA Act
Annually
Businesses or other institutions
Public and private transit operators: 100 responses; 7 hours; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

• Urban Mass Transportation Administration
Property Records/Annual Certification of use of Project Facilities
Annually
State or local governments
Local transit authorities: 400 responses; 153,000 hours; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

• Coast Guard
Cargo Pump System Test
Annually
Businesses or other institutions
Waterfront facilities: 200 responses; 200 hours; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

• Urban Mass Transportation Administration
Title VI as it applies to Section 6 of the UMT Act
Other—see SF83
Businesses or other institutions
Public and private transit operators: 200 responses; 2,720 hours; Not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

• Urban Mass Transportation Administration
Title VI as it applies to Section 3 and 5 of the UMTA Act
Other—see SF83
State or local governments/businesses or other institutions
Public and private transit operators; 640 responses; 6,224 hours; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

• Urban Mass Transportation Administration

Equal Employment Opportunity as it Applies of Section 5
Other—See SF83
Businesses or other institutions
Public and private transit operators: 400 responses; 96,000 hours; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

• Urban Mass Transportation Administration
Equal Employment Opportunity as it Applies to Section 8
Other—See SF83
Businesses or other institutions
Public and private transit operators: 400 responses; 96,000 hours; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

• Urban Mass Transportation Administration
Equal Employment Opportunity as it Applies to Section 3 of the UMT Act
Other—See SF83
Businesses or other institutions
Public and private transit operators: 400 responses; 96,000 hours; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

• Urban Mass Transportation Administration
Title VI as it Applies to Section 10 of the UMT Act
Annually
Businesses or other institutions
Public and private transit operators: 100 responses; 50 hours; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

• Urban Mass Transportation Administration
Public Hearing Notice, Certification, and Transcript
Other—See SF83
Businesses or other institutions
Public and private transit operators: 480 responses; 1,440 hours; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

Extensions (No Change)

• Office of the Secretary
Advisory Committee Candidate Biographical Information Request
DOT F1120.1 (4–81)
Nonrecurring
Individuals or households
Engineers, lawyers—Business men "members of public": 275 responses; 68 hours; $55 public cost; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

DEPARTMENT OF THE TREASURY

Agency Clearnance Office—Ms. Joy Tucker—202–634–5394

New

• Internal Revenue Service
Questionnaire—Contributions
4744
On occasion
Individuals or households
Indivs. whose contribution deduction is being examined: 10,000 responses; 5,000 hours; not applicable under 3504(h)
Karen P. Sagett, 202–395–6880

• Internal Revenue Service
Questionnaire—Interest Expenses
Form 4745
On occasion
Individuals or households
Indivs. whose interest expense deduction is being examined: 10,000 responses; 5,000 hours; not applicable under 3504(h)
Karen P. Sagett, 202–395–6880

CIVIL AERONAUTICS BOARD

Agency Clearance Officer—Clifford M. Rand—202–673–6042

Revisions

Part 323—Terminations, Suspensions, and Reductions of Service
On occasion
State or local governments/businesses or other institutions
Certificated airlines: 314 responses; 2,512 hours; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

FEDERAL TRADE COMMISSION

Agency Clearance Officer—Carl Hevener—202–523–3373

New

Cigarette Warning Size Study
Nonrecurring
Individuals or households
Consumers in six cities: 1,200 responses; 600 hours; not applicable under 3504(h)
Nell Minow, 202–395–7340

GENERAL SERVICES ADMINISTRATION

Agency Clearance Officer—Anthony Artigliere—202–566–0666

New

Shipment report
SF 361
Other—See SF 83
Individuals or households
Federal Government: 2,520 responses; 2,520 hours; not applicable under 3504(h)
Franklin S. Reeder, 202–395–3785

FPDS—Summary of Contract Actions of 10,000 or less
SF–281
Quarterly
Individuals or households
U.S. Government employees: 240 responses; 240 hours; not applicable under 3504)(h)
Franklin S. Reeder, 202–395–3785

FPDS—Individual Contract Action Report (over $10,000)
SF–279
On occasion
Individuals or households
U.S. Goverment employees; 400,000 responses; 40,000 hours; not applicable under 3504(h)
Franklin S. Reeder, 202–395–3785

INTERNATIONAL COMMUNICATION AGENCY

Agency Clearance Officer—Mary Jane Winnett—202–523–4308

Extensions (Burden change)

Application for Certificate of International Educational Character—Filmstrips, Slides, Transparencies
IAP–3
On occasion
Businesses or other institutions
Producers and distributors of audio visual materials: 25 responses; 200 hours; not applicable under 3504(h)
Phillip T. Balazs, 202–395–4814

NUCLEAR REGULATORY COMMISSION

Agency Clearance Officer—Stephen Scott—301–492–8585

Revisions

10 CFR 20 amendment (20.311(H)(2))
Nonrecurring
Individuals or households
NRC licensees: 1 response; 0 hour; not applicable under 3504(h)
Jefferson B. Hill, 202–395–7340

SELECTIVE SERVICE SYSTEMS

Agency Clearance Officer—Clarence E. Boston—202–724–0683

Revisions

Change of Information Form 2
Correction and change form 3B and 3B–S
Verification letters form 3V and 3V–S form 2, form 3B, form 3B–S, 3V, 3V–S
Nonrecurring
Individuals or households
U.S. male citizens and young men res. in U.S. 18 yrs. old. 2,500,000 responses; 83,334 hours; not applicable under 3504(h)
Kenneth B. Allen, 202–395–3785

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt (004A2)—202–389–2146

Extensions (Burden change)

Fifty Percent Employment Survey
22–8722 22–8723 22–8724
Biennially

Individuals or households/State or local governments/businesses or other institutions
Graduates from voca. programs, schools, and State agencies: 224,000 responses; 37,333 hours; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

Transfer of Ownership Data—Portfolio Loan
26–8792
On occasion
Individuals or households
Homeowners—Assumers of portfolio loans: 2,400 responses; 200 hours; not applicable under 3504(h)
Gwendolyn Pia, 202–395–6880

Nathaniel Scurry,
Chief, Reports Management Branch.

[FR Doc. 82–8196 Filed 3–26–82; 8:45 am]
BILLING CODE 3110–01–M

RAILROAD RETIREMENT BOARD

Actuarial Advisory Committee With Respect to the Railroad Retirement Accounts; Public Meeting

Notice is hereby given in accordance with Pub. L. 92–463 that the Actuarial Advisory Committee will hold a meeting on April 20, 1982, at the offices of the Chief Actuary of the U.S. Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois, on the conduct of the 15th Actuarial Valuation of the Railroad Retirement Account. The agenda for this meeting will include a discussion of the results and presentation of the 15th Actuarial Valuation. The text and the tables which constitute the Valuation will have been prepared in draft form for review by the Committee. It is expected that this will be the last meeting of the Committee before publication of the Valuation.

The meeting will be open to the public. Persons wishing to submit written statements or make oral presentations should address their communications or notices to the RRB Actuarial Advisory Committee, c/o Chief Actuary, U.S. Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611.

Dated: March 22, 1982.

By Authority of the Board.

James T. Brown,
Chief Executive Officer.

[FR Doc. 82–8356 Filed 3–26–82; 8:45 am]
BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 12323; 812–5117]

Bison Money Market Fund; Filing of Application for an Order Granting Exemptions

March 22, 1982.

Notice is hereby given that Bison Money Market Fund ("Applicant"), 111 Monument Circle, 10th Floor, Indianapolis, Indiana 46204, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on February 16, 1982, and an amendment thereto on March 18, 1982, requesting an order of the Commission pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit Applicant to value its assets pursuant to the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the application, Applicant is a series investment company which intends to organize two separate investment portfolios (Portfolios "A" and "B"). Currently, only shares in Portfolio A are offered; shares in Portfolio B may be offered at a later time. Applicant's shares are sold exclusively to individuals, businesses and other entities that maintain non-discretionary agency and custody accounts (including cash investment agency accounts) with the Trust Services Group of the Indiana National Bank or accounts (including fiduciary accounts) with The Indiana National Bank's correspondent banks.

Applicant states that the investment objective for Portfolio A and Portfolio B is to seek current income, liquidity, and stability of principal. The securities in each portfolio will have remaining maturities of one year or less (although securities subject to repurchase agreements may bear longer maturities). According to the Applicant, Portfolio A will consist of obligations issued or guaranteed by the United States Government, its agencies or instrumentalities, in addition to other high quality "money market" instruments, including certificates of deposit, bankers' acceptances and commercial paper (including variable rate demand notes). Portfolio B, at such time as its shares are offered, will invest only in direct and indirect United States Government obligations. Applicant represents that it will not invest in securities issued or guaranteed by Provident National Bank, The Indiana National Bank, or their affiliated entities. Attached as exhibits to the application are opinions of counsel to Provident Institutional Management Corporation, and to The Indiana National Bank, that the activities of these companies as Applicant's investment adviser and sub-adviser respectively will not violate any federal banking laws or regulations.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) With respect to securities for which market quotation are readily available, the market to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors of the registered investment company. Rule 22c–1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem, or repurchase any such security except at a price based on the current net asset of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. Rule 2a–4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution, repurchase and redemption shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered company. Prior to the filing of the application, the Commission expressed its view that, among other things: (1) Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Applicant contends that its shareholders are not concerned with the differences which might occur between the yield achieved through market pricing and the yield computed on the basis of amortized cost. On the other hand, Applicant believes that potential investors are vitally concerned that (1) the net asset value of their shares remain stable and (2) the daily net income declared on their investments be steady and not exhibit the volatility which can occur when changes in market prices cause changes in yield on a daily or weekly basis. Applicant states that it believes that by maintaining a portfolio of high quality money market instruments of short maturities it will be possible to provide the required stability to its investors.

Section 6(c) of the Act provides, in part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or of the rules or regulations thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant submits that the requested exemption is appropriate, in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant represents that it determined that maintaining an average portfolio of 120 days or less will accomplish the aims of Applicant's investors by reducing the risk of significant volatility in the value of portfolio instruments and at the same time producing a yield commensurate with those available in the market in which each portfolio is investing.

Additionally, Applicant represents that prior to adopting the amortized cost method of valuation, Applicant's board of trustees will determine in good faith that in light of the characteristics described in the application and the conditions set forth below, absent unusual or extraordinary circumstances, the amortized cost method of valuing portfolio securities will reflect the fair value of such securities. Accordingly, Applicant requests that the Commission issue an order pursuant to Section 6(c) of the Act exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit Applicant to compute the net aset value per share of each of its portfolios using the amortized cost method of valuing assets. Applicant agrees that the following conditions may be imposed in any order granting the exemptions requested:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, the board of trustees of Applicant undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and the investment objective of each of Applicant's portfolios, to stabilize the net asset value per share of each portfolio, computed for the purpose of distribution, repurchase and redemption, at $1.00 per share.

2. Included within the procedures to be adopted by the board of trustees shall be the following:

(a) Review by the board of trustees, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from each portfolio's $1.00 amortized cost price per share, and the maintenance of records of such review.[1]

(b) In the event such deviation from a portfolio's $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the board of trustees will promptly consider what action, if any, should be initiated.

(c) If the board of trustees believes the extent of any deviation from a portfolio's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: Selling portfolio instruments prior to maturity to realize capital gains or losses or to shorten the portfolio's average portfolio maturity; withholding dividends; redemption of shares in kind; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to each portfolio's objectives of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, except for instruments subject to repurchase agreements providing for settlement within one year after purchase of the instrument, or (b) maintain, for either portfolio, a dollar-weighted average portfolio maturity which exceeds 120 days.[2]

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph 1 above; and Applicant will record, maintain, and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the board of trustees' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the board of directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which Applicant's board of trustees determines present minimal credit risks, and which are of high quality as determined by any major rating service, or in the case of any instrument that is not rated, of comparable quality as determined by its board of trustees.

6. Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement as to whether any action pursuant to paragraph 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than April 15, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied

[1] To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by the board of trustees in the exercise of its discretion to be appropriate indicators of value, which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

[2] In fulfilling this condition, Applicant agrees that, if the disposition of a portfolio instrument should result in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce such average maturity to 120 days or less as soon as reasonably practicable.

by a statement as to the nature of his interest, the reason for such request, and the issues if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Managment, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-8331 Filed 3-26-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18583; File Nos. 600–2 and 600–13]

Bradford Securities Processing Services, Inc. and TAD Depository Corp.; Order Granting Requests for Withdrawal and Terminating Registrations as Clearing Agencies

March 22, 1982.

On December 1, 1975, in accordance with paragraph (c)(1) of 17 CFR 240.17Ab2–1 under the Securities Exchange Act of 1934 (the "Act"), the Commission registered as clearing agencies for a period of eighteen months Bradford Securities Processing Service, Inc. ("BSPS") and TAD Depository Corporation ("TAD").[1] Pursuant to that paragraph, BSPS and TAD were exempted temporarily from satisfying a number of requirements as to which the Commission must make determinations pursuant to Section 17A(b)(3) (A) through (I) of the Act. Subsequently, the Commission, by order, extended the existing registrations of BSPS and TAD on a number of occasions.[2] The last such extension is scheduled to expire on March 31, 1982.

On September 1, 1976, in accordance with 17 CFR 240.17Ab2–1 under the Act, the Commission instituted proceedings to determine whether to grant or deny BSPS's and TAD's registrations at the expiration of their existing registrations.[3] The clearing agencies subsequently consented to several extensions of time within which the Commission was to conclude its registration proceedings. The most recent extension is scheduled to expire on March 31, 1982. BSPS and TAD have declined to consent to another extension of their registration proceedings, but instead, as discussed below, have requested that the Commission withdraw their registrations as clearing agencies.

In a letter dated November 12, 1981, from Jules Moskowitz, Associate Counsel of Bradford National Corporation ("BNC") to the Commission staff, BSPS advised the Commission that, effective September 1, 1981, BSPS no longer would perform any of the "securities processing and related financing activities" stated in its Form CA–1. BSPS further represented that those activities have been transferred to various other subsidiaries of its parent corporation, BNC. In addition, by October 1, 1981, all BSPS branch offices had been acquired, and are currently operated, by one of two BNC subsidiaries: Security Trust Company , a bank, or Bradford Broker Settlement, Inc., a registered broker-dealer. Accordingly, BNC has represented and undertaken that all of BSPS's assets, liabilities, and continuing activities have been assumed by other BNC subsidiaries. In addition, the corporate shell of BSPS has been extinguished through merger into Bradford Securities Operations, Inc. ("BSOI"), another BNC subsidiary. On the basis of these facts and representations, BNC, on behalf of BSPS, requested, and has reaffirmed its request for, termination of BSPS's temporary registration as a clearing agency, in accordance with Section 19(a)(3) of the Act.

Similarly, in an October 21, 1980 letter from Mr. Moskowitz to the Commision staff, TAD indicated its desire to withdraw its registration as a clearing agency. In effect, the letter represents that TAD has been inactive since April 1, 1978, and that it would not be reactivated.[4] Recently, BNC's counsel reaffirmed the letter's representations.[5]

Section 19(a)(3) of the Act provides in part that a self-regulatory organization may "withdrawal from registration by filing a written notice of withdrawal with the Commission." Section 19(a)(3) also provides that in the event any self-regulatory organization is no longer in existence or has ceased to do business in the capacity specified in its application for registration, "the Commission, by order, shall cancel its registration." Based upon the representations made by counsel to BNC in its letters to the Commission and in related conversations with the Commission's staff, and based upon the undertakings discused herein, the Commission has determined that granting BSPS's and TAD's requests for withdrawal from registration would be consistent with the requirements of the Act. The Commission further finds that both BSPS and TAD have ceased to do business in the capacity specified in their registration application and accordingly has detemined to cancel their temporary registrations, effective May 31, 1982.

The Commission believes, however, that it would be appropriate and consistent with the policies expressed in Section 19(a)(1) to notify interested persons about, and solicit public comment concerning, the impending terminations. Accordingly, the Commission is exercising its authority under Section 19(a((1)(B) of the Act to extend for good cause shown the registration proceedings respecting BSPS and TAD until May 31, 1982. In the interim, to assist the Commission in determining whether it should allow the terminations to become effective, or whether it should modify this order, interested persons are invited to submit, unitl April 30, 1982, written data, views, and arguments concerning this order and the undertakings discussed herein. Interested persons may, in particular, wish to check their records and securities to determine whether they

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[1] Securities Exchange Act Release No. 11875 (November 26, 1975), 40 FR 55910 (December 2, 1975).

[2] *See e.g.*, Securities Exchange Act Release No. 13584 (June 1, 1977), 42 FR 30065 (June 10, 1977).

[3] Securities Exchange Act Release No. 12759 (September 1, 1976,) 41 FR 38841 (September 13, 1976).

[4] TAD no longer performs any services and has no participants, officers, employees, account with banks or other clearing agencies, securities or dividend activities.

[5] BNC additionally represented that the four claims against TAD set forth in the letter—two stock dividend claims for $36,000 and $12,000 and two cash dividend claims for $4,700 and $63—have been settled, depleting a $65,000 reserve maintained by a BNC subsidiary on TAD's behalf. No dividend claims have been made against TAD since the date of BNC's letter. Recently however, three transfer agents made small claims against TAD regarding securities that allegedly were transferred wrongfully into TAD's name in 1978. As a result, BSOI has rebuilt its cash reserve to cover these and potential future claims.

have claims against TAD of BSPS that have not been asserted or whether they are holding securities registered in the name of TAD of BSPS. Persons desiring to make written comments should file six copies therof with the Secretary of the Commission, 500 North Capitol Street, Washigton, D.C. 20549. Reference should be made to File Nos. 600–2 and 600–13.

The Commission further believes that it would be appropriate to require BSPS and TAD, through BNC and its subsidiaries, as part of these termination proceedings, to retain and produce at the Commission's request certain records that registered clearing agencies must maintain under Rule 17a–1(a).[6] Specifically, BNC and its subsidiaries must maintain records necessary to research claims concerning participants' past securities transactions and positions at TAD and BSPS. In this regard, BNC and its subsidiaries, through counsel to BNC, have undertaken that such records will be maintained and made available for Commission inspection.

On the basis of the foregoing facts and representations, it is ordered that:

(1) The registrations of, and registration proceedings respecting, BSPS and TAD be extended until May 31, 1982;

(2) Effective May 31, 1982, BSPS's and TAD's requests for withdrawal from registration be granted and their registrations as clearing agencies be cancelled;

(3) BSPS and TAD, through BNC and its subsidiaries, will maintain records necessary to research future claims regarding participants' past securities transactions and positions for the balance of time specified in 17 CFR 240.17a–1, and are to provide those records, upon request, to the Commission during that period of time. In the case of TAD, such records need to be retained for at least five years after their receipt or creation, but in no event later than April 1, 1983, five years after its operations were suspended. Such records of BSPS must be retained for at least five years after their receipt or creation, but in no event later than November 12, 1986, five years after the date of its written request for cancellation.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–8332 Filed 3–26–82; 8:45 am]

BILLING CODE 8010–01–M

[6] 17 CFR 240.17a–1 (a) and (b). Those paragraphs require, among other things, that registered clearing agencies keep and preserve at least one copy of documents made or received in the course of its business and in the conduct of its self-regulatory activity for at least five years, the first two years in an easily accessible place. Thus, in the case of TAD, appropriate records would need to be retained for at least five years after their receipt or creation, but in no event later than April 1, 1983, five years after its operations were suspended. Similarly, appropriate records of BSPS must be retained for at least five years after their receipt or creation, but in no event later than November 12, 1986, five years after the date of its written request for termination.

[Release No. 12321; 812–5044]

Cash Investment Fund (Formerly Money Market Plus Fund); Filing of Application for an Order Exempting Applicant

March 22, 1982.

Notice is hereby given that Cash Investment Fund (known as Money Market Plus Fund at the time the application was initially filed) ("Applicant"), 82 Devonshire Street, Boston, Massachusetts 02109, a Massachusetts business trust registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, filed an application on December 14, 1981 and an amendment thereto on February 22, 1982, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit Applicant to value its portfolio securities according to the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is a "series" money market fund, consisting of two portfolios: A United States Treasury Portfolio and a Money Market Portfolio (collectively, the "Portfolios"). The application states that the United States Treasury Portfolio will invest exclusively in obligations issued or guaranteed as to principal and interest by the United States Government. The Money Market Portfolio will invest exclusively in obligations of major banks, including dollar-denominated obligations of foreign branches of United States banks and United States branches of foreign banks, prime commerical paper and obligations of the United States Government, its agencies or instrumentalities. Applicant states that it may also enter into repurchase agreements involving and security in which it is permitted to invest, and may purchase new issues of government securities on a "when-issued" basis. It is asserted that all of the investments of Applicant will consist of obligations maturing within one year from the date of acquisition and the dollar-weighted average portfolio maturity of all of its investment will be 120 days or less.

Applicant states that it offers to individuals, corporations, fiduciaries and institutions means to invest in a professionally managed portfolio of certain money market instruments with the objective of seeking as high a level of current income as is consistent with the preservation of capital and liquidity within the standards prescribed for each of the Portfolios. The application also states that Fidelity Management & Research Company will serve as investment adviser to Applicant. Bank of California, N.A. (the "Bank") will serve as custodian of the assets of Applicant and as transfer, dividend disbursing and shareholders' servicing agent for Applicant. Under its Administrator contract with Bank of California, Applicant may purchase securities from or through the Bank, may engage in repurchase transactions with the Bank and may place funds on deposit in accounts with the Bank subject to receipt of interest at currently available market rates. With respect to any such transaction, no special consideration or preference will be given to the Bank in the investment decision-making process.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) With respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c–1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security. Rule 2a–4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution and redemption shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at fair value as

determined in good faith by the board of directors of the registered company, and other securities and assets shall be valued at fair value as determined in good faith by its board of directors. Prior to the filing of the application, the Commission expressed its view that, among other things: (1) Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977). In view of the foregoing, Applicant requests and exemption from Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit Applicant to use the amortized cost method to value its portfolio securities.

In support of the relief requested, Applicant states its belief that the valuation of its portfolio securities on the amortized cost basis will benefit shareholders by enabling Applicant to maintain a constant $1.00 per share purchase and redemption price, while at the same time providing shareholders with a steady flow of investment income through daily dividends which reflect Applicant's net income as earned. Applicant further asserts that its Trustees have determined in good faith that in light of the characteristics of Applicant as described above and absent unusual or extraordinary circumstances, the amortized cost method of valuing portfolio securities is appropriate and preferable for Applicant and reflects the fair value of such securities. The application states that given the nature of Applicant's policies and operations, there will be relatively negligible discrepancy between prices obtained by market value methods and amortized cost.

Section 6(c) of the Act provides, in part, that the Commission upon application may conditionally or unconditionally exempt any person, security or transaction or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or of the rules whereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant expressly consents that the following conditions may be imposed in any order of the Commission granting the exemption it has requested for each of its two Portfolios:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's Board of Trustees undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objective, to stabilize Applicant's net asset value per share, as computed for the purposes of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the Board of Trustees shall be the following:

(a) Review by the Board of Trustees, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's $1.00 amortized cost price per share, and the maintenance of records of such review.[1]

(b) In the event such deviation from the $1.00 amortized cost price per share exceeds ½ of 1%, a requirement that the Board of Trustees will promptly consider what action, if any, should be initiated.

(c) Where the Board of Trustees believes that the extent of any deviation from the Applicant's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: Redemption of shares in kind; the sale of portfolio instruments prior to maturity to realize capital gains or losses or to shorten Applicant's average portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity in excess of 120 days.[2]

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modification thereto) described in condition 1 above, and Applicant will include in the minutes of Board of Trustees' meetings and will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the Board's considerations and actions taken in connection with the discharge of its responsibilities, as set forth above. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act as though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which the Board of Trustees determines present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the Board of Trustees.

6. Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement as to whether any action pursuant to condition 2(c) above was taken during the preceding fiscal quarter and, if any action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than April 16, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such

[1] Applicant states that to fulfill this condition, it intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its Board of Trustees in the exercise of its discretion to be appropriate indicators of value, which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments furnished by reputable sources.

[2] In fulfilling this condition Applicant agrees that if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will received any notices and orders issued in this matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–8333 Filed 3–26–82; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 18585]

National Association of Securities Dealers, Inc.; Order Granting Exemption From Certain Provisions of Rule 11Ac1–1 Under the Securities Exchange Act of 1934

March 23, 1982.

Introduction

On January 7, 1982, the Commission published a release [1] requesting comment on an application for exemption submitted by the National Association of Securities Dealers, Inc. ("NASD") concerning the reporting of transactions in certain over-the-counter ("OTC") securities to be designated as national market system ("NMS") securities pursuant to Rule 11Aa2–1 ("Qualified Securities Rule") under the Securities Exchange Act of 1934 ("Act"), as amended.[2] In its application, the NASD requested an exemption from the requirements of Rule 11Ac1–1(b)(1) under the Act which would require the NASD to make available to vendors of securities information the bid, ask and quotation size of each market maker in an NMS security. Specifically, the NASD applied to the Commission for three exemptions: (1) A permanent exemption from making available to vendors the full quotation data stream for each market maker in an NMS security; (2) a permanent exemption permitting the NASD, with respect to NASDAQ Level I service [3] for NMS securities, to delete specific market maker identifiers associated with the quotations disseminated to the vendors; and (3) a temporary exemption with respect to making available the quotation size for NMS securities. The Commission received one letter of comment on the NASD's exemption request.[4]

Discussion

Individual Market Maker Quotations

Paragraph (b)(1)(ii) of Rule 11Ac1–1 requires the NASD, with respect to quotations in NMS securities, to "collect, process and make available to quotation vendors the highest bid and lowest offer communicated * * * by each member * * * and the identity of that member * * *."[5] The NASD requested an exemption from this requirement until such time as a vendor has requested this data, a suitable agreement with the vendor is negotiated, appropriate charges are established and the NASDAQ system is modified accordingly. The NASD indicated that, at the time it was making its request for an exemption, no vendor had requested this information.

The Commission believes that it is important that all vendors interested in receiving individual market maker information have access to this information at terms that are fair both to the vendor and the NASD. In response to the Commission's request for comment regarding the exemptions, Instinet, a registered broker-dealer which operates a computerized stock execution system, stated that it has written to the NASD indicating an interest in receiving this information, and requesting that the NASD enter into negotiations on the price and terms of access to this information. The Commission understands that the NASD has reviewed this request and shortly will commence negotiations with Instinet. Accordingly, in light of the importance to vendors of receiving this information and as a result of Instinet's request for access thereto, the Commission has determined to grant the NASD an exemption from providing this information for only six months, until October 1, 1982, the projected start-up date of Tier 2. The Commission anticipates that this limited exemption period will give the NASD, Instinet and any other interested vendors sufficient time to reach agreement on access to the full quotation data stream containing individual market maker information so that the NASD may go forward with providing access to this information by the start-up of Tier II. The Commission also emphasizes that this temporary exemption is conditional and may be withdrawn at any time if the Commission determines that the NASD is not negotiating in good faith with Instinet and other interested vendors with respect to the terms of access to individual market maker information.

Market Identifiers

The Commission deems it appropriate to exempt the NASD from the requirement of providing vendors specific market maker identifiers with respect to NASDAQ Level I service for NMS securities.[6] In requesting this exemption, The NASD argued that the identification of market makers in NASDAQ Level I service "may tend to encourage retail customers to attempt to execute transactions directly with the identified market makers under a mistaken impression that a better execution is available from that market maker." The Commission recognizes that the present dealer nature of the OTC market makes the need for such identifiers substantially less than for exchange-traded securities.[7] Specifically, customers who purchase OTC securities often deal directly with a market maker in those securities and are therefore less concerned over whether

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[1] *See* Securities Exchange Act Release No. 18398 (January 7, 1982), 47 FR 2225.

[2] NMS securities will be "reported securities" as the term is defined in Rule 11Ac1–1(a)(6). As reported securities, NMS securities will be subject to, among other things, the Commission's quotation reporting and dissemination requirements contained in Rule 11Ac1–1. The Qualified Securities Rule employs a two-tiered approach to designating NMS securities. In this respect, 40 of the most actively-traded OTC securities satisfy the stringent Tier 1 criteria and are scheduled to be designated as NMS securities on April 1, 1982. In addition, the rule permits those OTC securities meeting the less stringent Tier 2 criteria to be designated as NMS securities on or after October 1, 1982, if the issuers of such securities so elect. For further information concerning the effects of designation of NMS securities see Securities Exchange Act Release No. 18397 (January 7, 1982), 47 FR 2079.

[3] Level I service currently makes available the best bid and offer ("BBO") with respect to each security quoted in the NASDAQ system.

[4] Letter to George Fitzsimmons, Secretary, SEC, from Jerome M. Pustilnik, Chairman of the Board, Instinet, dated February 4, 1982.

[5] The best quotations and identity of each market maker is distributed by NASDAQ, as a vendor, to subscribers as "Level II Service."

[6] The NASD has indicataed that it will permit NMS designated securities to trade in its Computer Assisted Execution System ("CASE") and that CASE will be availble to all market makers in those securities. As a result, the NASD has represented that when a CAES quotation is displayed as the inside quote, that quotation would represent the aggregate size of all market makers quoting the best bid or offer in CAES, and that quotation will be identified as originating in CAES.

[7] Instinet, in its comment letter, also argued that investors might drive some benefit in being provided market identifiers over NASDAQ Level I service. While the Commission is sympathetic to Instinet's concerns, for the reasons discussed above, the Commission has determined to grant the exemption.

their orders are executed on an agency or principal basis than they are that that execution is at a price at least as good as the best bid or offer (as the case may be). As a result, the Commission does not believe that it is necessary to impose the market identifier requirement on NASDAQ Level I service.[8] The Commission wishes to emphasize, however, that broker-dealers executing transactions in NMS securities will be subject to their general fiduciary obligation to ensure best execution of their customers' order.[9]

Quotation Size

The Commission finds it appropriate to grant the NASD a temporary exemption from making available the size of the inside quote for NASDAQ Level I service in view of the significant pressures on the NASD in effecting the current technical enhancements to its NASDAQ system. Accordingly, the NASD is granted this exemption for a six-month period following the start-up of Tier 1 under Rule 11Aa2-1.[10] The Commission would not be inclined, however, to entertain any requests for an extension of this temporary exemption.

Conclusion

In light of the present trading environment for NMS securities, the Commission believes these exemptions are consistent with the public interest, the protection of investors, and the removal of impediments to, and perfection of the mechanisms of, a national market system.

It is therefore ordered that the NASD be granted the following exemptions from the requirements of Rule 11AC1-1(b)(1) under the Act: (1) A temporary exemption until October 1, 1982 from making available to quotation vendors quotations and size for each market maker in an NMS security until such time as (i) a vendor has requested this data, (ii) a suitable agreement with the vendor is negotiated, (iii) appropriate charges are established, and (iv) the NASDAQ system is modified accordingly; (2) a permanent exemption permitting the NASD, with respect to NASDAQ Level I service for NMS Securities, to delete specific market maker identifiers associated with the quotations disseminated to vendors; and (3) a temporary exemption until October 1, 1982 from making available the quotation size for NMS Securities. These exemptions are subject to modification or revocation at any time if the Commission judges such action is necessary or appropriate in light of progress made toward a national market system or otherwise in furtherance of the purposes of the Act.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-8335 Filed 3-26-82 8:45 am]

BILLING CODE 8010-01-M

[8] Of course, the NASD presently is, and will continue to make, market identifiers available through their NASDAQ Level II and III services.

[9] The Commission notes that vendors of securities information will require an exemption from Rule 11Ac1-2(c)(2) under the Act. That rule requires vendors to display a BBO which includes indentifiers of the market makers making available the best bid and offer. The NASD, however, pursuant to the above discussed exemptions, would not be making identifiers available to vendors. In addition, because the NASD will be aggregating CAES quotes, those quotes will not represent individual market makers as required by the rule. Therefore, the Commission invites all affected vendors to apply for an appropriate exemption from Rule 11Ac1-2(c)(2) under the Act.

[10] The NASD has indicated, however, that it will include size for its NASDAQ Level II/III service at the startup of Tier 1.

[Release No. 18584]

[File Nos. 600-1, etc.]

Order Extending Until September 30, 1983, Existing Registrations of Clearing Agencies; Depository Trust Co., et al.

March 22, 1982.

In the matter of the Registration as Clearing Agencies of the Depository Trust Company (File No. 600-1), Stock Clearing Corporation of Philadelphia (File No. 600-4), Boston Stock Exchange Clearing Corporation (File No. 600-5), Midwest Securities Trust Company (File No. 600-7), The Options Clearing Corporation (File No. 600-8), Midwest Clearing Corporation (File No. 600-9), Pacific Securities Depository Trust Company (File No. 600-10), Pacific Clearing Corporation (File No. 600-11), National Securities Clearing Corporation (File No. 600-15), New England Securities Depository Trust Company (File No. 600-16), and Philadelphia Depository Trust Company (File No. 600-19).

On December 1, 1975, the above-captioned clearing agencies, except New England Securities Depository Trust Company ("NESDTC"), National Securities Clearing Corporation ("NSCC"), and Philadelphia Depository Trust Company ("PDTC"), in accordance with Section 17A(b) of the Securities Exchange Act of 1934 (the "Act") and paragraph (c)(1) of 17 CFR 240.17Ab2-1 thereunder, were registered as clearing agencies with the Commission for a period of eighteen months or such longer time as the Commission may provide by order. Pursuant to the same statutory authority, NESDTC, NSCC, and PDTC were granted registration on September 24, 1976, October 24, 1977, and October 24, 1979, respectively. Pursuant to paragraph (c)(1) of 17 CFR 240.17Ab2-1, the clearing agencies were exempted temporarily from satisfying a number of requirements as to which the Commission is directed to make determinations by Section 17A(b)(3)(A)-(I) of the Act. Subsequently, the Commission, by order, extended the clearing agencies' existing temporary registrations on a number of occasions.

In connection with each temporary registration, the Commission instituted proceedings to determine whether to grant or deny the registrations of the clearing agencies at the expiration of their existing registrations.[1] Since those proceedings were instituted, each of the clearing agencies has periodically consented to extensions of time within which the Commission is required to conclude its registration proceedings. Recently, each clearing agency consented to an additional 18 month extension of time for concluding the registration proceedings. This order extends until September 30, 1983, the existing registrations of the clearing agencies to enable them to remain registered during the extended period for concluding the registration proceedings.

It is ordered that the clearing agencies' temporary registrations be, and hereby are, extended until September 30, 1983.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-8334 Filed 3-26-82; 8:45 am]

BILLING CODE 8010-01-M

[1] Proceedings were instituted by the Commission on September 1, 1976, regarding all of the above-captioned clearing agencies, except NESDTC, NSCC, and PDTC. Proceedings with respect to the latter clearing agencies were instituted by the Commission on June 23, 1977, March 8, 1978, and July 23, 1980, respectively.

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA Waiver Petition Docket Nos. HS-82-2 through HS-82-6]

Petitions for Exemption From the Hours of Service Act

In accordance with 49 CFR 211.41 and 211.9, notice is hereby given that the five railroads have petitioned the Federal Railroad Administration (FRA) for an

exemption from the Hours of Service Act (83 Stat. 464, Pub. L. 91–169, 45 U.S.C. 64a(e)). Each petition requests that the individual railroad be granted authority to permit certain employees to continuously remain on duty for in excess of twelve hours.

The Hours of Service Act currently makes it unlawful for a railroad to require or permit specified employees to continuously remain on duty for a period in excess of twelve hours. However, the Hours of Service Act contains a provision that permits a railroad, which employs no more than fifteen employees who are subject to the statute, to seek an exemption from the twelve hour limitation.

Each railroad seeks this exemption so that it can permit certain employees to remain continuously on duty for periods not to exceed sixteen hours. Each petitioner indicates that granting this exemption is in the public interest and will not adversely affect safety. Additionally, each petitioner asserts that it employs no more than fifteen employees and has demonstrated good cause for granting this exemption.

The railroads seeking these exemptions are as follows:

Eastern Shore Railroad, Docket No. HS–82–2
Perrd Oreille Valley Railroad, Docket No. HS–82–3
South Central Tennessee Railroad, Docket No. HS–82–4
Kyle Railroad, Docket No. HS–82–5
Johnstown and Stony Creek Railroad, Docket No. HS–82–6

Interested persons are invited to participate in this proceeding by submitting written views or comments. FRA has not scheduled an opportunity for oral comment since the facts do not appear to warrant it. Communications concerning this proceeding should identify the Docket Number, Docket Number HS–82–24, and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received before April 30, 1982, will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All comments received will be available for examination both before and after the closing date for comments, during regular business hours in Room 7321A, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

(Sec. 5, Hours of Service Act of 1969 (45 U.S.C. 64a), 1.49(d)) regulations of the Office of the Secretary, 49 CFR 1.49(d).

Issued in Washington, D.C. on March 18, 1982.

Joseph W. Walsh,
Chairman, Railroad Safety Board.

[FR Doc. 82–8154 Filed 3–26–82; 8:45 am]
BILLING CODE 4910–06–M

Maritime Administration

American Maritime Association; Petition for Rulemaking Proceeding for Vessels of Less Than 100,000 DWT's Operating in the Alaskan Oil Trade; Extention of Time To File Comments

AGENCY: Maritime Administration, DOT.

ACTION: Extension of time to file comments on petition for rulemaking.

SUMMARY: On March 18, 1982, the Maritime Administration published in the Federal Register (46 FR 11805), a Notice of a Petition of the American Maritime Association (AMA) for a Rulemaking Proceeding, seeking comments by the close of business on March 25, 1982. The Petition stated that existing rules in Part 250 of Title 46 of the Code of Federal Regulations governing the temporary operation of CDS tankers in the Alaskan oil trade control the chartering of vessels exceeding 100,000 DWTs but contain no provision for smaller vessels. Likewise, the interim rule amending 46 CFR Part 276 to govern the full repayment of CDS in exchange for domestic trading rights is similarly limited. The Maritime Administration has decided to extend the comment period on the AMA Petition by 25 days. Notice is hereby given that the closing date for comments concerning the Petition is extended to the close of business on April 19, 1982.

FOR FURTHER INFORMATION CONTACT: Robert J. Patton Jr. (202) 426–5746.

(Catalog of Federal Domestic Assistance Program Nos. 11.504 Operating-Differential Subsidies (ODS) and 11.500 Construction-Differential Subsidies (CDS))

By Order of the Maritime Administrator.

Dated: March 23, 1982.

Robert J. Patton, Jr.,
Secretary.

[FR Doc. 82–8149 Filed 3–26–82; 8:45 am]
BILLING CODE 4910–81–M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[No. 150–96]

Creation of the Foreign Operations Internal Revenue District

Dated: March 15, 1982.

Under the authority given to the President to establish Internal Revenue Districts by Section 7621 of the Internal Revenue Code, as amended, and vested in me as Secretary of the Treasury by Executive Order 10289, approved September 17, 1951, as made applicable to the Internal Revenue Code of 1954, and pursuant to the authority vested in me by Reorganization Plan No. 26 of 1950, and Reorganization Plan No. 1 of 1952 as made applicable to the Internal Revenue Code of 1954 by Section 7804(a) of such Code and Executive Order 10574, there is created the Foreign Operations Internal Revenue District that will replace the Office of International Operations, Internal Revenue Service.

1. All functions, personnel, materials, facilities, equipment and responsibilities of the Office of International Operations shall be transferred to the Foreign Operations District as of the effective date of its estabishment.

2. *District Director of Internal Revenue.* The District Office shall bear the title "District Director of Internal Revenue" identified by the name Foreign Operations District with the Headquarters Office to be located in Washington, D.C.

3. This Order shall become effective upon such date as the Commissioner of Internal Revenue may determine. Prior inconsistent Treasury Department Orders are hereby amended, supplemented, or susperseded.

R. Timothy McNamar,
Deputy Secretary of the Treasury.

[FR Doc. 82–8367 Filed 3–26–82; 9:45 am]
BILLING CODE 4810–25–M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 60
Monday, March 29, 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

FEDERAL COMMUNICATIONS COMMISSION

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, April 1, 1982, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

General—1—*Title:* In re: Amendment of Parts 2, 21, 22, 81, 87, 90 and 95 of the Commission's Rules to provide additional spectrum between 72 and 76 MHz for the radio control of model aircraft, boats, cars and other similar devices. *Summary:* The Commission will consider the petition (RM-3248) of the Academy of Model Aeronautics for spectrum relief in the 72 to 76 MHz band.

General—2—*Title:* Amendment of Part 13 of the Commission's Rules to Simplify Examination Procedures. *Summary:* The Commission will consider rule amendments to simplify commercial radio operator license examination procedures by redefining examination elements 1, 2, and 3, and allowing examination credit for the Marine Radio Operator Permit.

General—3—*Title:* In re: General Docket 81-460, (RM-2364) for amendment of Parts 2, 22, 73, and 74 of the FCC's Rules and Regulations. *Summary:* On July 31, 1981, the Commission released a Notice of Proposed Rule Making in response to RadioCall, Inc.'s petition for reconsideration (RM-2364). In its Notice, the Commission proposed to reallocate UHF-TV Channel 17, in Hawaii, for common carrier control and repeater operations. The item before the Commission discusses the public's response to the proposed actions and concludes this proceeding.

General—4—*Title:* Report and Order to expand the frequencies available for use by Television pickup station. *Summary:* The Commission will consider the merits of Docket 81-415 to allocate the 38.6-40 GHz band for TV pickup stations on a secondary basis to fixed operations. Because of accelerated growth in Broadcast Auxiliary stations in the currently allocated bands for pickup usage, it has become necessary to consider a further allocation to alleviate the congestion of stations.

General—5—*Title:* Notice of Proposed Rule Making proposing to remove station log requirements and provide for additional utilization of the frequencies 122.050, 122.775 and 122.850 MHz in the Aviation Services. *Summary:* The FCC will consider whether to propose amending Parts 2 and 87, (1) to eliminate the requirement for stations in the Aviation services to maintain logs, (2) to permit the frequency 122.050 MHz to be used by air carrier aircraft as well as private aircraft for enroute flight advisory service, and (3) to make the frequencies 122.775 and 122.850 MHz available for communciations between aircraft on the ramp area of an airport and aviation service organizations located on the airport.

Private Radio—1—*Title:* Amendment of Part 90 of the Commission's Rules to Eliminate the Need for a Separate Authorization to Operate Speed Detection Devices in the Police and Local Government Radio Services. *Summary:* The Commission will consider whether to adopt a Notice of Proposed Rule Making to eliminate the requirement that police entities authorized in the Police and Local Government Radio Services must have a separate authorization to operate speed detection devices. Instead, the Commission will consider authorizing the operation of these devices as part of the land mobile communications systems authorized to police entities.

Private Radio—2—*Title:* Dismissal of Petition for Rule Making, RM-3388. *Summary:* The Commission will consider whether to adopt an Order dismissing a petition for rule making, RM-3388, that proposes operation of a radio homing device on 27.255 MHz.

Private Radio—3—*Title:* Amendment of the Commission's Rules to provide for a Temporary Permit for additional users of authorized mobile relay stations (repeaters) in the General Mobile Radio Service (GMRS). *Summary:* The Commission will consider whether or not to adopt a Notice of Proposed Rule Making to provide for issuance of a Temporary Permit.

Private Radio—4—*Title:* In the matter of amendment of the Commission's Rules for the Amateur Radio Service, Subpart C, Part 97, to delete Section 97.74, the frequency measurement and regular check rule. *Summary:* The FCC will consider whether to adopt an Order deleting Section 97.74 of the Amateur Radio Service rules. The frequency measurement and regular check rule requires the licensee of an amateur radio station to provide for measuring the station's emitted carrier frequency and establish procedures for a regular check.

Private Radio—5—*Title:* In the matter of Amendment of Part 97, Subpart C of the Commission's Rules to delete Section 97.71, the transmitter power supply rule. *Summary:* The FCC will consider whether to adopt an Order deleting Section 97.71 of the Amateur Radio Service Rules. The transmitter power supply rule requires the licensee of an amateur radio station operating below 144 MHz to use an "adequately filtered" DC plate power supply for the transmitter.

Private Radio—6—*Title:* Report and Order to provide for the use of automatic aviation weather observation systems at certain airports. *Summary:* The FCC will consider whether to amend Part 87 to provide for the use of automatic weather observation systems at airports with neither a full-time control tower nor a full-time FAA flight service station. These automatic observation systems are designed to provide pilots with such aeronautical information as the wind, weather, visibility, altimeter setting and other pertinent information.

Common Carrier—1—*Title:* Memorandum Opinion and Order, Amendment of Part 31, Uniform System of Accounts for Class A and B Telephone Companies, with respect to accounting for station connections, etc. *Summary:* The Commission will consider a petition for clarification filed by NARUC and a petition for reconsideration filed by the state of California and the California PUC. Both petitions raise the question of whether and to what extent our order in this proceeding limits the discretion of state commissions to follow different accounting and depreciation procedures for purposes of computing revenue requirements for intrastate telecommunications services.

Common Carrier—2—*Title:* Amendment to the Uniform System of Accounts to revise paragraph (e) of Section 31.2-21 and Section 31.100:4(c)(3) of Part 31 of the Commission's Rules and Regulations. *Summary:* The Commission will consider whether to raise the dollar criteria contained in the referenced paragraphs, retain the paragraphs as is, or eliminate the requirement entirely.

Common Carrier—3—*Title:* Application for review filed by Western Union International, Inc. (WUI) requesting the Commission to reverse a Bureau order relating to tariff revisions by the Western Union Telegraph Company. *Summary:* Western Union filed tariff revisions, effective March 22, 1981, by which it removed its concurrences in the IRCs' international telegraph service tariffs and established additional methods of providing domestic handling of inbound international telegrams. The Bureau denied WUI's petition for rejection or suspension of these revisions, and later dismissed its

petition for reconsideration. WUI now seeks review of the Bureau's dismissal order.

Common Carrier—4—*Title:* Interconnection Arrangements Between and Among the Domestic and International Record Carriers (Docket No. 82–122). *Summary:* The Commission will consider whether or not to adopt an Interim Order prescribing an interconnection arrangement between and among domestic and international record carriers.

Common Carrier—5—*Title:* Petitions to suspend or reject Tariff Transmittal No. 13904 (Equalization Filing) of the American Telephone and Telegraph Co. *Subject:* The Commission will consider whether AT&T has adequately complied with the Commission's Interim Cost Allocation Manual which requires AT&T to equalize rates of returns between MTS, WATS and Private Line Service Categories.

Assignment and Transfer—1—*Title:* Petition to Deny the Application to Assign Station WCVB–TV, Boston, Massachusetts, from Boston Broadcasters, Inc., to Metromedia, Inc., by Christopher Bennett and Arklay F. King. *Summary:* The Commission will consider whether civil litigation brought by the petitioners against Boston Broadcasters, Inc., warrants deferral of a grant of the subject assignment application or its designation for hearing.

Renewal—1—*Title:* Amendment to Section 0.281 of the Commission's rules, regarding delegation of authority to the Chief, Broadcast Bureau. *Summary:* The Commission considers an amendment to Section 0.281 of the rules, delegating authority to the Chief, Broadcast Bureau to designate renewal and mutually exclusive construction permit applications for hearing and to act on petitions to deny filed against renewal, assignment or transfer of control applications when there are no new or novel issues or other matters presented warranting evidentiary hearings.

Renewal—2—*Title:* License renewal applications of The Evening News Association for Station WDVM–TV; National Broadcasting Company, Inc., for Station WRC–TV; and WJLA, Inc., for Station WJLA–TV, all of Washington, D.C.; and a petition to deny those license renewal applications filed by the Washington Association for Television and Children. *Summary: Washington Association for Television, and Children challenges the license renewal applications of WDVM–TV, WRC–TV, and WJLA–TV, based on alleged inadequate children's programming.*

Aural—1—*Title:* Application for Review filed by Rust Communications Group, Inc., license of FM Station WXKW, Allentown, Pennsylvania. *Summary:* The Commission will consider the assignment of the call letters WKXW and WKXW–FM to stations in Trenton, New Jersey.

Broadcast—1—*Title:* Requests by St. Pauls Broadcasting Company, Inc. and Tampa Bay Concert Radio, Inc. for assignment of call letter WNCR. *Summary:* The Commission will consider the matter of call letter requests received on the same date.

Broadcast—2—*Title:* FM Broadcast Station Blanketing Interference. *Summary:* The Commission will consider proposing rule changes to define an FM licensee's responsibility to resolve blanketing interference in response to a petition filed by the Association of Federal Communications Consulting Engineers (RM–3655).

Broadcast—3—*Title:* Implementation of the Final Acts of the Administrative Conference on Medium Frequency Broadcasting in Region 2.

Broadcast—4—*Title:* Petition for Reconsideration, filed on December 7, 1979, of the Commission's November 9, 1979 Report and Order concluding its Fairness Doctrine Inquiry. *Summary:* Mr. Geller challenges the Commission's reasons for rejecting his ten-issue proposal for Fairness Doctrine enforcement. Additionally, he urges its adoption in light of the Commission's recent adoption of an issue approach for radio licensees with respect to ascertainment.

Complaints and Compliance—1—Application for Review of the National Conservative Political Action Committee (NCPAC). *Summary:* NCPAC seeks consolidated review of two Broadcast Bureau rulings. The Bureau denied NCPAC's request that it and other similarly situated independent committees be deemed to possess an affirmative right of access to broadcast their views. The Bureau also advised NCPAC that outside campaign periods broadcasters who air NCPAC advertisements may be obligated under the Fairness Doctrine to afford free response time for the presentation of contrasting views when paid sponsorship is unavailable.

Complaints and Compliance—2—*Title:* Complaint and petition to deny license renewal filed aginst A.D.S. Broadcasting Corporation, Inc. (A.D.S.), licensee of radio station WADS, by the National Organization of Women (NOW) on May 15, 1978 and March 2, 1981 respectively. *Summary:* NOW claims the licensee violated the personal attack rule and the Commission's rules regarding the inspection of public records, and made misrepresentations to the Commission. Since NOW's petition to deny A.D.S.' license renewal is based on the allegations contained in the complaint, the Commission will consider both the complaint and the petition.

This meeting may be continued the following workday 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: March 25, 1982.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S–452–82 Filed 3–25–82; 2:15 pm]

BILLING CODE 6712–01–M

2

FEDERAL COMMUNICATIONS COMMISSION

The Federal Communications Commission will hold a Closed Meeting on the subjects listed below on Thursday, April 1, 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

Hearing—1—Petition for Reconsideration and Clarification in the Buffalo, New York, comparative UHF television proceeding (BC Docket Nos. 81–56 and 81–60).

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: March 25, 1982.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S–453–82 Filed 3–25–82; 2:15 pm]

BILLING CODE 6712–01–M

3

FEDERAL RESERVE SYSTEM

Board of Governors

TIME AND DATE: Approximately 11 a.m., Thursday, April 11, following a recess at the conclusion of the open meeting.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board: (202) 452–3204.

Dated: March 24, 1982.

James McAfee,

Associate Secretary of the Board.

[S–449–82 Filed 3–25–82; 11:02 am]

BILLING CODE 6210–01–M

4

FEDERAL RESERVE SYSTEM

Board of Governors

TIME AND DATE: 10 a.m., Thursday, April 1, 1982.

PLACE: Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Publication for comment of a proposed amendment to Regulation J (Collection of Checks and Other Items and Transfers of Funds) to charge paying banks for cash letters made available on midweek closing days.

2. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated: March 24, 1982.

James McAfee,

Associate Secretary of the Board.

[S-448-82 Filed 3-25-82; 11:04 am]

BILLING CODE 6210-01-M

5

MISSISSIPPI RIVER COMMISSION

TIME AND DATE: Beginning 9 a.m., April 19, 1982, and adjourning 12 noon, April 20, 1982.

PLACE: 1400 Walnut Street, Vicksburg, Mississippi.

STATUS: Open to the public for observation but not for participation.

MATTERS TO BE CONSIDERED: The Commission will consider the following project reports:

Louisiana State Penitentiary Levee, Mississippi River Atchafalaya Basin Floodway System, Louisiana

CONTACT PERSON FOR MORE INFORMATION: Mr. Rodger D. Harris; telephone 601–634–5766.

[S-447-82 Filed 3-25-82; 9:44 am]

BILLING CODE 3710-GX-M

6

NATIONAL CREDIT UNION ADMINISTRATION

TIME AND DATE: 9:30 a.m., Thursday, April 1, 1982.

PLACE: Seventh floor board room, 1776 G Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Review of Central Liquidity Facility lending rate.

2. Central Liquidity Facility FY 1982 Second Quarter Dividend.

3. Federal Financial Institutions Examination Council (FFEIC) Policy for Classification of Consumer Installment Credit Based on Delinquency Status.

4. Applications for charters, amendments to charters, bylaw amendments, mergers that may be pending at that time.

RECESS: 10: 15 a.m.

TIME AND DATE: 10:30 a.m., Thursday, April 1, 1982.

PLACE: Seventh floor board room, 1776 G Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Administrative adjudication. Closed pursuant to exemptions (8), (9)(A)(ii) and (10).

2. Requests from federally insured credit unions for special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).

3. Requests for mergers with special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).

4. Delegations of authority. Closed pursuant to exemption (2).

FOR MORE INFORMATION CONTACT: Rosemary Brady, Secretary of the Board, telephone (202) 357–1100.

[S-451-82 Filed 3-25-82; 2:14 pm]

BILLING CODE 7535-01-M

7

NATIONAL CREDIT UNION ADMINISTRATION

Change in Subject of Meeting

The National Credit Union Administration Board determined that its business required that the previously announced open meeting on March 4, 1982 include an additional item, which was open to public observation:

Proposed modification of merger guidelines and delegation of authority.

The previously announced items were:

1. Review of Central Liquidity Facility lending rate.

2. Proposed rule deregulating share, share draft and share certificate accounts.

3. Proposed extention of the 21 percent loan rate ceiling.

4. Proposed rule deregulating Section 701.27–2 of the NCUA Rules and Regulations regarding Credit Union Service Corporations.

5. Applications for charters, amendments to charters, bylaw amendments, mergers that may be pending at that time.

The agency notified the persons on its Sunshine call list of the change prior to the meeting.

The meeting was held at 9:30 a.m., in the seventh floor Board Room, 1776 G Street, NW., Washington, D.C.

For more information contact: Rosemary Brady, Secretary of the Board, telephone (202) 357–1100.

[S-450-82 Filed 3-25-82; 2:14 pm]

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Part II

Department of Health and Human Services

Office of the Secretary

Protection of Human Subjects

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Protection of Human Subjects; First Biennial Report on the Adequacy and Uniformity of Federal Rules and Policies, and Their Implementation for the Protection of Human Subjects in Biomedical and Behavioral Research; Report of the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research

AGENCY: Department of Health and Human Services.

ACTION: Notice of Report for Public Comment.

SUMMARY: On November 9, 1978, the Public Health Service Act (Pub. L. 95–622) was amended, thereby creating the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research. One of the charges of the Commission was to biennially report to the President, the Congress, and appropriate Federal agencies on the protection of human subjects of biomedical and behavioral research. In carrying out the above, the Commission was directed to include a review of the adequacy and uniformity (1) of the rules, policies, guidelines, and regulations of all Federal agencies regarding the protection of human subjects of biomedical or behavioral research which such agencies conduct or support, and (2) of the implementation of such rules, policies, guidelines, and regulations by such agencies, and may include such recommendations for legislation and administrative action as the Commission deems appropriate.

Pursuant to section 1802(b) of the Public Health Service Act, each Federal agency which receives a recommendation from the Commission that the agency take any action with respect to its rules, policies, guidelines, or regulations, shall publish such recommendation in the **Federal Register** and shall provide opportunity for interested persons to submit written data, views, and arguments with respect to adoption of the recommendations. Since the recommendations affect 19 Federal agencies, the Secretary is publishing the report on behalf of the following agencies:

Department of Health and Human Services
Department of Agriculture
Department of Commerce
Department of Defense
Department of Education
Department of Energy
Department of Housing and Urban Development
Department of Justice
Department of Transportation
Central Intelligence Agency
Environmental Protection Agency
United States International Development Cooperative Agency
National Aeronautics and Space Administration
Veterans Administration
American National Red Cross
Consumer Product Safety Commission
National Institute of Justice
National Science Foundation
Office of Science and Technology

DATES: The Secretary invites comment on the First Biennial Report of the President's Commission. The comment period will close May 28, 1982. To facilitate analysis of the comments, it would be appreciated if they were arranged by recommendation number.

ADDRESSES: Please send comments or requests for additional information to: Carol Young, Office for Protection from Research Risks, National Institutes of Health, 5333 Westbard Avenue, Room 3A18, Bethesda, Maryland 20205; telephone 301–496–7163, where all comments received will be available for inspection weekdays (Federal holidays excepted) between the hours of 9:00 a.m. and 4:30 p.m.

Dated: March 3, 1982.

Edward N. Brandt, Jr.,
Assistant Secretary for Health.

Approved: March 19, 1982.

Richard S. Schweiker,
Secretary.

Protecting Human Subjects

First Biennial Report on the Adequacy and Uniformity of Federal Rules and Policies, and their Implementation, for the Protection of Subjects in Biomedical and Behavioral Research

December 1981.

President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research

President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research

Morris B. Abram, M.A., J.D., LL.D., *Chairman*, New York, N.Y.
Renée C. Fox, Ph. D., D.H.L., University of Pennsylvania
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Jennifer Seton (1980)
David Tancredi (1981)
William Thompson (1981)

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*Resignation accepted by President Reagan on December 3, 1981.

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Summary and Conclusions

Research with human beings plays an essential part in combatting disease and in expanding the frontiers of knowledge. The Commission takes as given that only through research can proven advances be made in the prevention and cure of illness and in the relief of suffering, but in this Report it addresses another goal, which, like progress against disease, is highly valued in our society. For not only is research essential but it is equally essential that this important human activity be carried out without needless risk of distress and with the willing and enlightened cooperation of its subjects. This is an ideal to which the Federal government must be—and for many years, has been—committed. In this Report, the President's Commission responds to the request of the Congress that it report every two years on the degree to which Federal departments and agencies are meeting that high ideal.

The Commission has reviewed the policies of all Federal entities involved in some fashion in research involving human subjects. It is impressed that the officials of these agencies are for the most part concerned about the careful execution of their responsibilities and concludes that the rules and policies of the agencies largely appear adequate for the protection of human subjects if properly implemented. Certain problems in the application and interpretation of the rules, however, have emerged from the Commission's study. This *Biennial Report* contains the Commission's recommendation to the President, the Congress and the heads of relevant departments and agencies concerning a number of these problems. The Commission intends to make additional proposals in its next *Biennial Report* on the basis of its continuing examination of this field.

Some of the Commission's conclusions refer to particular Federal entities. The Commission points to (1) the need for the Department of Health and Human Services (HHS) either to accept or reject certain recommendations made in 1978 by the National Commission for the Protection of Human Subjects that were intended to provide additional procedures and standards so that appropriate decisions may be made to protect children and persons institutionalized as mentally disabled when researchers wish to involve them as subjects; (2) the need for the Department of Housing and Urban Development to establish clear standards by which its social policy research can be categorized and, when appropriate, reviewed; and (3) the urgency that several bodies, including the Department of Transportation, reach decisions on rules that have been

"under study" for many years (Recommendations 3 and 5).

Most of what the Commission has to say, however, treats issues that cut across the spectrum of federal entities involved in research. First, the Commission recommends that the movement toward "uniformity" in the regulations for the protection of human research subjects be carried to its logical conclusion, and that the Department of Health and Human Services and its present regulations become the focus of such uniform rules (Recommendations 1 and 2). This will advance four important objectives: it will improve the protection of subjects, alleviate an unnecessary burden (and source of confusion) for researchers and their institutions, eliminate the multiplicity of Federal regulations in this field, and simplify Federal oversight.

The first goal will be met as gaps in a few departments' rules to protect research subjects are filled. "Variations" now followed by other departments can be included in the new uniform rules if found useful by the government-wide task force that will formulate these rules. The remaining objectives are closely related. By eliminating more than 200 pages of governmental rules and policies that now largely repeat the HHS regulations, the steps recommended by the Commission would reduce waste and confusion as well as facilitate Federal oversight. The redundancy in agencies' current rules obscures those *few* variations that are actually important to the respective Federal entities. Under the Commission's recommendations, any special provisions that are needed only by a particular entity could then be highlighted as acceptable exceptions or additions to the "core" provisions of the uniform regulations. And the centralization of responsibility for implementation and oversight in HHS would relieve Federal agencies and research institutions alike of the unnecessary burdens created by multiple inspections and reporting requirements.

The second major area of Commission recommendations centers on improving the present handling of reports of harm or misconduct involving human subjects. Although such reports are not frequent, the Federal government already has a number of relevant regulations on the books. The Commission examined these regulations to determine whether they provide adequate protection to subjects and other concerned parties in a manner that is clear and simple to apply for Federal officials and research administrators alike. The resulting recommendations fall into three groups.

First, this Report contains recommendations about the responsibilities of the Federal agencies in responding to reports of misconduct. Revisions are needed because of an apparent lack of well-defined standards and an absence of coordination among various Federal entities. The present processes are still relatively new and few cases of misconduct have been reviewed; in fact, it was not until 1981 that HHS or its predecessors imposed any sanctions against an investigator for misconduct in research funded by the Department that involves human subjects. Cooperation, not merely between Federal agencies but also among them and State and professional boards, is clearly an important goal (Recommendation 9).

Second, several recommendations are made to allow institutions internal flexibility in how they will investigate and adjudicate complaints against researchers. Although perhaps not intended by the Department, the present language of the HHS regulations has been interpreted by some as making IRBs responsible for resolving allegations of misconduct and for reporting their determinations directly to the Secretary rather than through institutional channels. The IRB must have a place in the process (at a minimum, it must be kept apprised of the outcome), but it need not perform the investigatory/adjudicatory/reporting roles if those are more properly fulfilled by other offices within an institution (Recommendations 7 and 8).

Finally, the Commission recommends that the number of subjects involved in, as well as the number adversely affected by, each research project be routinely collected by Institutional Review Boards (IRBs) and reported by them to the sponsoring agencies (Recommendation 4).

In recommending ways in which the Federal regulations on research could achieve greater clarity, simplicity and realism, the Commission is not adopting the view that all problems are ultimately soluble by "better" regulations. The Commission took concerns about excessive regulation into account in framing its recommendations and in drawing up its plans for further study of this subject during the coming year. As Plato observed, in esoteric areas, one must rely also on the wisdom of the expert. If society relied totally on written rules,

> the arts as we know them would be annihilated and * * * could never be resurrected because * * * this law [would put] an embargo on all research. The result would be that life which is hard enough as it is, would be quite impossible then and not to be endured.[1]

Just as society must rely on the experts' wisdom, so too must it rely on their consciences—for which reasonable and well-formulated regulations may still provide both instruction and incentive.

Chapter 1: Introduction

A. *The Mandate.* The Commission's mandate regarding the protection of subjects in research with human beings has two major parts: first, to review the Federal rules and policies governing such research (*1*) and second, to determine how well those rules are being implemented or enforced. Specifically, section 1802(c) of the enabling legislation provides that:

> The Commission shall biennially report to the President, the Congress, and appropriate Federal agencies on the protection of human subjects of biomedical and behavioral research. Each such report shall include a review of the adequacy and uniformity (1) of the rules, policies, guidelines, and regulations of all Federal agencies regarding the protection of human subjects of biomedical or behavioral research which such agencies conduct or support, and (2) of the implementation of such rules, policies, guidelines and regulations by such agencies, and may include such recommendations for legislation and administrative action as the Commission deems appropriate. (*2*)

The first portion of the mandate expands the survey of Federal agencies that the Commission's predecessor, the National Commission for the Protection of Human Subjects conducted, to a detailed inquiry into the adequacy of the rules of all agencies. The second portion, which adds a new dimension to the inquiry, has emerged as a major focus of this Commission's activities in the wake of the new rules on research promulgated by the Department of Health and Human Services in January 1981.

The first biennium for this Report, which began when the Commission held its first meeting in January 1980, ends in December 1981. (The second "biennium" will end in December 1982 when the Commission's present authority expires.) This report, therefore, represents two years of study and deliberations during which the Commission held three public hearings on this subject, devoted significant portions of twelve meetings to discussion and deliberation, surveyed over 83 Federal agencies to ascertain

[1] Plato, *Statesman* *229e (J. B. Skemp trans.), Yale University Press, New Haven (1952) at 208.

their involvement in—and rules governing—research with human subjects, requested detailed information from the five agencies having statutory liaisons with the Commission (the Department of Health and Human Services, the Department of Defense, the Central Intelligence Agency, the Veterans Administration, and the National Science Foundation), and participated in Congressional hearings on several issues encompassed within this aspect of the Commission's mandate. (3) During this period, frequent correspondence and meetings took place between officials of the Department of Health and Human Services (HHS) and the Commission. This introductory chapter briefly describes the Commission's activities relating to this portion of its mandate.

B. *Initial Recommendations to the Department of Health and Human Services.* In September 1980, following a public hearing held in July on social science and behavioral research, the Commission made recommendations to HHS Secretary Patricia R. Harris (see Appendix D) on the Department's proposed revisions to its rules governing research with human subjects (45 CFR Part 46). The Commission proposed specific exemptions from prior review for most forms of social science research and some categories of behavioral reseach that present no risk of physical or psychological harm and no invasion of privacy. These recommendations were in line with the proposals being considered by the Department, but differed from them in that they were organized so as to convey the *grounds* for each category of exemption to the members of local review boards at research institutions who would have to apply them.

The Commission also informed Secretary Harris of its conclusion that the Department currently lacks statutory authority to require grantee institutions to follow HHS regulations and procedures in reviewing research not supported by Departmental funds. The Director of the Office of Management and Budget and the Director of the Office of Science and Technology Policy subsequently endorsed the Commission's position. (Whether such authority should be granted to HHS or other Federal departments is a question the Commission will address in the next *Biennial Report.*)

The amendments to the HHS rules governing research with human subjects were published on January 26, 1981 to take effect on July 27, 1981.(4) In their final form, the regulations incorporated the recommendation made by the Commission to limit the scope of the regulations by abandoning the proposed applicability to research neither funded by the Department nor subject to the regulatory authority of the Food and Drug Administration (FDA). The Department did not, however, adopt the Commission's formulation of the rationale and organization of the exemptions of certain kinds of social science and behavioral research. (The relevant materials appear in Appendix D.)

C. *Summary of the Commission's Activities.* 1. *Survey of Federal Rules and Procedures Governing Research With Human Subjects.* The Commission sent letters of inquiry to 83 Federal agencies that might possibly be conducting or supporting research with human subjects. The responsible officials were asked whether their agencies conduct or support research with human subjects and, if so, what regulations or guidelines they follow to assure that such subjects are protected. In all cases, agencies were asked to include copies of applicable regulations, guidelines, or policies with their response.

Chapter Two of this Report contains an analysis of the adequacy and uniformity of the rules and procedures of the 23 Federal entities reporting that they conduct or support research with human subjects, as well as of the rules and procedures of the FDA, which plays the dominant role in the regulation of biomedical research not funded by the Federal government. Among the agencies, HHS (which supports the largest volume of research and which has devoted the most attention to the subject) is widely regarded as the "lead" agency. A fuller description of the policies and procedures of HHS is set forth in Appendix B, as well as a description of the rules and procedures of each of the other Federal entities, compared with those of HHS.

2. *Review of the Adequacy and Uniformity of the Rules' Implementation.* The second half of the Commission's charge regarding the protection of human subjects is to determine how adequately the applicable rules are being implemented. This has been a major focus of the Commission's activities in 1981. The Commissioners have tried to learn, from a variety of approaches: (1) How well informed the funding agencies are about institutional compliance with the regulations (an inquiry that led the Commission to conduct a selective examination of grantee institutions' implementation of the regulations); (2) how able institutions are to handle charges of noncompliance, misconduct or injury; and (3) how the funding agencies respond to reports that the regulations have been violated or human subjects placed at risk through acts of research fraud or other misconduct.

As part of its survey of the rules and procedures of Federal agencies conducting or supporting research with human subjects, the Commission asked each agency about the extent to which it monitors either the actual conduct of research or the performance of the IRBs at grantee and contractor institutions. A summary and analysis of those responses is contained in Chapter Three.

3. *Attempts to Clarify HHS Policies and Procedures for Responding to Reports of Misconduct.* The Commission, through its Chairman and senior staff, for more than a year has been, and continues to be, engaged in correspondence and meetings with officials at the Department of Health and Human Services in an attempt to clarify current Departmental policies and procedures for responding to reports of misconduct by grantees and contractors. (See Appendix F.) The Commission is particularly interested in learning about the extent to which standards and procedures exist for: (a) Alerting committees that review grants and contracts about serious allegations pending against a scientist; (b) protecting complainants and witnesses from retaliation; (c) protecting the subjects, if research activities must be suspended; (d) protecting the rights of those accused of misconduct; and (e) protecting the public interest by assuring the reliability of research results and the ethical conduct of Federally supported research.

4. *Case Studies.* The Commission also examined closely several reported incidents of misconduct in Federally funded research to determine what might be learned from these well-documented cases. Although the cases are few in number, particularly in light of the thousands of research projects conducted each year, the Commission found them instructive. Specifically, the cases indicate areas where procedures for responding to reports of misconduct need improvement at the institutional and the Federal levels. Problems identified in a review of these cases are described in Chapter Three; the cases themselves are described in Appendix F.

5. *Commission Hearings.* As an adjunct to its study of cases of misconduct in Federally-supported biomedical research, the Commission held hearings during 1981 in Boston and Los Angeles, the locales of two such incidents. The purpose was to learn

from administrators and IRB members at the research institutions involved, as well as from principal investigators and those who reported misconduct, how well they believe existing procedures worked and what improvements they would recommended. A number of suggestions regarding the authority of IRBs, institutional mechanisms for investigating and adjudicating reports of misconduct, and Federal procedures for monitoring compliance were received and considered by the Commission. Furthermore, in addition to its hearings and deliberations on social and behavioral science research in July and September 1980, the Commission considered aspects of its Biennial Report at its regular meetings in October, November and December 1981, at which time periods were set aside for public comments as well as Commission discussion. (A list of witnesses appears in Appendix I.)

6. *Conferences Attended.* Senior professional staff participated in a number of conferences on the role and responsibilities of IRBs, the need for improved education of investigators and members of IRBs, and the effect that the revised HHS regulations will have on IRB procedures. Such conferences included: a meeting sponsored by HHS of consultants on "Education for IRBs" (December 8, 1980); two conferences sponsored by Public Responsibility in Medicine and Research (PRIM&R) on "The New Federal Regulations: What They Do and Do Not Regulate" (Boston, March 26–27, 1981 and Asilomar, November 2–4, 1981); and a workshop sponsored by the Institute for Society, Ethics and the Life Sciences (Hastings Center) on "Institutional Review Boards and Human Subjects Research" (Colorado College, July 12, 1981). In addition, the Commission's director participated in workshop discussions with research administrators and members of IRBs (*e.g.*, the 1981 annual meeting of the National Council of University Research Administrators and the fourth annual University of California conference on IRBs.)

7. *Workshop on Whistleblowing in Biomedical Research.* Because all Federal agencies rely on private individuals to report incidents of misconduct in research with human beings, the Commission decided to examine the availability of means for making such reports, the adequacy of procedures for evaluating the reports, and the protections afforded both the complainant and the person accused after allegations have been made. The Commission was also interested in the response of the Federal agencies once they receive either an allegation of serious misconduct or a formal finding by an institution that such misconduct has occurred.

To clarify the issues and examine possible modes of response, the Commission held a two-day Workshop on whistleblowing in Biomedical Research, co-sponsored by the Committee on Scientific Freedom and Responsibility of the American Association for the Advancement of Science and by Medicine in the Public Interest. Participants included physicians engaged in Biomedicial research; hospital administrators; professors of law, political science, sociology, and educational administration; practicing attorneys; officials of the National Institutes of Health and the Food and Drug Administration, a member of the President's Commission and senior staff of the sponsoring organizations. (See Appendix J.) The conclusions and recommendations of the Workshop were transmitted to members of the Commission and were taken into consideration in developing recommendations on this subject. (conference papers, discussions and conclusions will be published as a separate volume in 1982.)

3. *Assistance from Liaison Representatives to the Commission.* Under section 1801(a)(2) of the Commission's enabling legislation, the heads of six agencies were directed to name officials to act as liaison to the Commission: the Department of Health and Human Services, the Department of Defense, the Central Intelligence Agency, the White House Office of Science and Technology Policy, the Veterans' Administration, and the National Science Foundation. (*5*) The Commission and its staff wish to thank those who served in this capacity for their conscientious attendance at Commission meetings and their valuable assistance, both formal and informal, in the preparation of this report.

9. *Contacts With the Office of Management and Budget.* In response to an OMB proposal for government-wide debarment procedures applicable to Federal contractors, (*6*) senior staff of the Commission have discussed with OMB its interest in developing government-wide debarment procedures that would apply to Federal *grantees* as well. The purpose would be to standardize debarment and suspension procedures so that a scientist, debarred or suspended by one Federal agency (for misconduct in the course of Federally funded research) could be debarred by other agencies without burdening all concerned with additional debarment proceedings. Further, a consolidated list of persons debarred from individual agencies would be available to all Federal agencies. OMB officials have expressed interest in developing such a government-wide system applicable to recipients of research grants. (See Appendices G and H.)

D. *Report on Compensating for Research Injuries.* At the urging of the vice-chair of the Ethics Advisory Board in HHS, which was in the process of concluding its activites, the Commission decided at its first meeting to study the problem of providing compensation for research-related injuries, a subject closely related to the protection of human subjects.

A starting point was provided by the report of the HEW Secretary's Task Force on Compensation for Injured Research Subjects (1977), which concluded that there is an ethical obligation to provide compensation for persons injured as a result of their participation in Federally sponsored research. The question of how such compensation could be provided was not resolved either by the Task Force or subsequently within HHS. The Commission, therefore, confronted two distinct, but related, questions: (1) Whether it agrees that an ethical obligation to provide compensation exists and, if so, the extent of that obligation; and (2) whether feasible mechanisms exist or could be developed that would meet that obligation.

A separate report on the Commission's study of these questions and the conclusions it reached is under preparation and will be released early in 1982.

E. *Extent of Federal Involvment in Research With Human Subjects.* Annual expenditures for health-related research are now about $8 billion, of which the Federal government contributes more than 60%.

Three-quarters of this amount comes from the Department of Health and Human Services, primarily through the National Institutes of Health (NIH). (*7*) The remaining quarter of Federal support for biomedical and other health-related research is contributed by some 17 other agencies, with major portions provided through the Departments of Agriculture, Defense and Energy and the Veterans' Administration. (*8*)

The amount of such research that involved human subjects is, however, unknown. In fact, the Commission has been hampered in its study of the magnitude of the problem of research injuries because data have not been systematically accumulated on the

number of subjects involved in Federally-funded research. In an attempt to obtain an impression of the extent of Federal involvement in research with human subjects, the Commission asked the five agenices with official liaisons to the Commission to provide the following information for FY 1980, to the extent obtainable: (1) The number of research projects involving human subjects that were supported by their departments under grants or contracts (extramural research) or that were conducted either by departmental employees or at facilities operated by their departments (intramural research); (2) the number of IRBs that reviewed such research; (3) the amount of money spent; and (4) the number of subjects involved. Table 1 reflects the information provided by the liaison officers.

TABLE 1.—EXTENT OF BIOMEDICAL AND BEHAVIORAL RESEARCH INVOLVING HUMAN SUBJECTS CONDUCTED OF SUPPORTED BY AGENCIES WITH STATUTORY LIAISONS TO THE COMMISSION

[Estimates provided by agencies for FY 1980]

	No. of inst'ns receiving grants or contracts	No. of grants or contracts funded	No. of intramural research projects	No. of human subjects involved	No. of IRRs that reviewed the research		Amount spent on research involving human subjects in millions	
					extra-mural	intramural	extra-mural	intramural
Central Intelligence Agency	<10	<10	<10	<100	<10	<10	<0.5	<0.5
Department of Defense[a]	[b]256	274	409	92,000	164	38	$26.4	$83.3
Health and Human Services	816	11,574	[c]931	[d]*	1,000	[c]25	$1,460.0	[c]$408.4
National Science Foundation	68	164	0	*	68	0	$8.6	0
Veterans Administration	9	25	[c]3,224	*	35	104	$0.9	$92.1

* Agency reports that data are not available.

[a] The Department of Defense provided data only for their "R&D" programs; data on their "Clinical Investigations" are not available except from the Air Force which reported 1,000 clinical studies in FY 1980. According to DoD, their clinical investigation programs are largely intramural.

[b] This figure may be high due to duplication, i.e., investigtions may hold contracts with more than one service.

[c] These figures relate solely to intramural research conducted by NIH, ADAMHA, FDA, CDC, and the Indian Health Service.

[d] Information on the number of human subjects involved in research supported by HHS is available only for certain intramural programs; the Department reports that aproximately 38,600 human subjects were involved in intramural research conducted by NIH, FDA, CDC, and a portion of ADAMHA. Data on the number of subjects involved in extramural research are not available.

* This figure may be low. It refers to the number of principal investigators that conducted research involving human subjects.

As the table makes apparent, data are not available on the number of human Subjects involved in Federally-supported research except for several intramural programs within HHS (*e.g.*, the NIH Clinical Center and the Centers for Disease Control), the R&D programs (but not several thousand clinical investigations) conducted by the Department of Defense, and the research conducted by C.I.A. On the other hand, all five agencies were able to provide the number of grants and contracts they funded for research involving human subjects. In Chapter Five of this report, the Commission recommends procedures for assuring that all Federal agencies collect and retain in a central location data on the number of subjects participating in research that the agencies conduct or support.

Footnotes

(*1*) Section 1802(c) of the Commission's legislation mandates a report on the rules governing research that Federal agencies "conduct or support." The Commission has chosen, pursuant to its authority to study "any other appropriate matter which relates to biomedical or behavioral research," to include within the present study the rules of the Food and Drug Administration (FDA) govering research regulated but not supported by the Federal government. The FDA was singled out because of its preeminent role in regulating biomedical research supported by private funds (under applicable law, materials submitted to obtain FDA approval of drugs and devices must have been produced through research that meets its requirements, including regulations for the protection of human subjects) and because of the close relationship between the FDA regulations and those applicable to research funded by HHS, of which FDA is a component.

(*2*) Title XVII, Public Health Service Act, 42 U.S.C. 300v–1(c).

(*3*) Commission staff was also in touch with the Commission on the Federal Drug Approval Process, sponsored by Representatives Scheuer and Gore. That body is now reported to have decided not to disturb the status quo regarding the responsibilities of IRB's or other aspects of the regulations to protect human subjects.

(*4*) 46 FR 8366, reprinted in Appendix A.

(*5*) Liaison was provided by: *Department of Health and Human Services*—Charles R. McCarthy, Ph. D., Director, Office for Protection From Research Risks, Office of the Director, NIH, assisted by Richard Riseberg, Chief, NIH Branch, Office of General Counsel, John C. Petricciani, M.D., Assistant Director for Clinical Research, Bureau of Biologics, FDA, and Stuart Nightingale, M.D., Acting Associate Commissioner for Health Affairs, FDA; *Department of Defense*—Captain Peter A. Flynn, MC, USN, Special Assistant for Professional Activities, Office of the Assistant Secretary of Defense (Health Affairs); *Central Intelligence Agency*—Bernard M. Malloy, M.D., Chief of the Psychiatric Division, Office of Medical Services, assisted by Dennis Foreman, Office of General Counsel; *Office of Science and Technology Policy*—Gilbert S. Ommen, M.D., Ph. D., Associate Director for Human Resources and Social and Economic Services, OSTP, Executive Office of the President, succeeded by John Ball, M.D., J.D., succeeded by Denis Prager, Ph. D.; *Veterans Administration*—Dorothy C. Rasinski, M.D., J.D., Associate Director, Medical Legal Affairs; and *National Science Foundation*—Richard T. Louttit, Ph. D., Division Director for Behavioral and Neural Sciences.

(*6*) 46 FR 37832 (July 22, 1981).

(*7*) U.S. Department of Health, Education, and Welfare, *Basic Data Relating to the National Institutes of Health: 1980*, U.S. Government Printing Office, Washington (1980) at 4.

(*8*) *Id.* at 5.

Chapter 2: The Adequacy and Uniformity of the Regulations

A survey of the regulations and policies for the protection of human subjects of Federally funded and regulated research was conducted by the Commission in 1980–81 in response to the legislative mandate that the Commission report biennially to the President, the Congress and the heads of relevant agencies on both the adequacy and the uniformity of the rules and policies of all Federal agencies regarding the protection of human subjects of biomedical and behavioral research.(*1*)

It is generally accepted, among Federal officials and commentators, that the benchmark of "adequacy" is provided by the regulations of the Department of Health and Human Services. Based upon the thorough review of human research regulations of HHS (then, the Department of Health, Education, and Welfare) performed by the National Commission for the Protection of Human Subjects in 1974–1978,(*2*) and the conscientious manner in which HHS has responded to the

National Commission's recommendations regarding the review standards and procedures for research involving competent, non-institutionalized adults, the President's Commission is satisfied that the basic regulations of that Department are adequate if not above improvement. Therefore, the Commission has focused its attention on determining the "uniformity" among other Federal agencies measured by the extent to which their rules conform to the basic regulations of HHS.

A. *Methods.* 1. *Scope of the Survey.* The methods used to conduct the survey of Federal agencies were similar to those used by the National Commission in 1975. The 1980 survey was, however, broader in scope, including 11 of the 13 cabinet-level departments,(3) the Central Intelligence Agency in the Executive Office of the President, and 56 of 87 independent commissions and agencies listed in the Congressional Directory. Agencies were excluded from the survey only when there was reason to be confident that they do not conduct or support research with human subjects. (See Appendix C.)

In March 1980, the twenty still existing Federal agencies which had reported to the National Commission that they support or conduct research involving human subjects were provided with a copy of the 1977 summary of their policies and regulations. They were asked to provide information and supporting documentation regarding any additions or deletions necessary to bring the summary up-to-date. Federal agencies not surveyed by the National Commission or who had reported in 1975 that they neither conduct nor support research involving human subjects were asked whether or not they currently conduct or support such research.

In order to improve the consistency of response, agency heads were provided with the following definitions which had been developed by the National Commission:

1. *Scientific research* is a formal investigation designed to develop or contribute to generalizable knowledge.

Comment: A research project generally is described in a protocol that sets forth explicit objectives and formal procedures designed to reach those objectives. The protocol may include therapeutic and other activities intended to benefit the subjects, as well as procedures to evaluate such activities. Research objectives range from understanding normal and abnormal physiological or psychological functions or social phenomena, to evaluating diagnostic, therapeutic or preventive interventions and variations in services or practices. The activities or procedures involved in research may be invasive or non-invasive and include surgical interventions; removal of body tissues or fluids; administration of chemical substances or forms of energy; modification of diet, daily routine or service delivery; alteration of environment; observation; administration of questionnaires or tests; randomization; review of records; etc.

2. *Human subject* is a person about whom an investigator (professional or student) conducting scientific research obtains (1) data through intervention or interaction with the person, or (2) identifiable private information.

Comment: "Intervention" includes both physical procedures by which data are gathered (e.g., venipuncture), and manipulations of the subject or the subject's environment that are performed for research purposes. "Interaction" includes communication or interpersonal contact between investigator and subject. "Private information" includes information about behavior that occurs in a context in which an individual can reasonably expect that no observation or recording is taking place, and information which has been provided for specific purposes by an individual and which the individual can reasonably expect will not be made public (e.g., a medical record). Private information must be individually identifiable (i.e., the identity of the subject is or may readily be ascertained by the investigator or associated with the information) in order for obtaining the information to constitute research involving human subjects.

All agencies that conduct or support research involving human subjects, according to the definitions supplied, were asked to provide the following information as well:

(1) A description of the nature and extent of such research;

(2) Copies of the regulations or guidelines that govern the conduct of such research;

(3) An analysis of the extent to which their regulations or guidelines conform to those of the Department of Health, Education, and Welfare (codified at 45 CFR 46, as amended in 43 FR 51559, November 3, 1978);

(4) A description of their procedures for monitoring such research during the course of its conduct, and for assuring that the agency is informed of any untoward or unexpected events;

(5) A description of the nature and extent of any injuries or of any departures from approved protocols that have been reported or discovered, and the steps taken by their agency to investigate and resolve such problems;

(6) The views of their department or agency regarding recently proposed modifications to the existing HEW regulations; and

(7) Any action taken by their department or agency with respect to the proposed modifications enumerated above.

2. *Agencies Excluded From Further Review.* The definition of research involving human subjects supplied to the Federal agencies was compatible with the scope of the then existing HHS regulations which applied to, among other things, the administration of surveys or questionnaires and the review of records. Those regulations were revised January 1981, however, and most research involving only the use of surveys and questionnaires or the review of records is now exempt from the regulations. Therefore, those Federal agencies indicating that they sponsor only research exempt from review under the HHS regulations will be noted but not discussed further in this Report (see Table 2). Only those agencies that support, conduct or regulate biomedical or behavioral research of the type HHS now requires to be reviewed and approved in accordance with 45 CFR 46 are included in this analysis of Federal regulations and policies governing research with human subjects (see Table 3).

Also excluded from independent analysis in this report are the Nuclear Regulatory Commission (which, as a matter of policy, does not conduct research involving human subjects except through health agencies, such as HHS, which impose their own regulations), the Smithsonian Institution, which conducts research under grants from HHS and is subject to the regulations of that department, and the U.S. Postal Service and ACTION which permit access to their personnel and facilities by agencies of the Public Health Service (HHS) for research related to health and safety.(4)

3. *Agencies Included in the National Commission Report That are Not Reviewed in This Report.* A comparison of this Report with that of the National Commission will reveal various differences, some of them merely superficial.(5) For example, the Commission on Civil Rights no longer has an Office of Research, and the research responsibilities formerly undertaken by that office have not been reassigned; therefore, the Commission on Civil Rights no longer conducts or supports any research with human subjects.(6) The National Oceanic and Atmospheric Administration (NOAA) of the Department of Commerce conducts only research involving deep sea diving and other underwater activities; the agency is not involved in research involving humans *as subjects* in the underwater environment.(7) The Federal Railroad Administration, within the Department of Transportation, reports that it no longer conducts research with human subjects as described in the report of the National Commission.(8)

The National Academy of Sciences has been deleted from coverage in this Report, at its own request, because it is not a Federal agency and receives no

appropriations from Congress. Rather, it is a private institution chartered by Congress as a non-profit organization to provide advice to the government on matters of science and technology. The Academy occasionally conducts or supports research with human subjects at the request of Federal agencies and requires that such research conform to the regulations of the Department of Health and Human Services.(*9*)

Somewhat differently situated is the Gorgas Memorial Institute of Tropical Diseases and Preventive Medicine, located in Panama. The Institute is a non-profit organization incorporated in Delaware, which receives a significant part of its operating budget from direct Congressional appropriations.(*10*) In Fiscal 1980, $1.7 million of a $2.5 million budget came from Congress. Most of the Federal money pays administrative costs such as salaries, field work, maintenance of the plant and equipment, and publications. In FY 1980, the Institute received an additional $952,000 in research grants from NIH, the World Health Organization, the Army, the Navy, and the Pan American Health Organization. Most of the Institute's research is related to tropical diseases; however, the Institute currently has a special assurance on file at NIH's Office for Protection from Research Risks (OPRR) for a grant from the National Cancer Institute to conduct research on cervical cancer. Except for conditions attached to grants from the NIH and the Army, however, there is no specific legal or regulatory provision requiring research involving human subjects conducted by the Gorgas Memorial Institute to undergo IRB review or to comply with provisions for informed consent. Although the direct appropriations from Congress are administered by the Fogarty International Center at NIH, the Center has no authority to attach conditions to such funds.(*11*)

Table 2.—Agencies Excluded From Review and Analysis in This Report

Agencies That Conduct or Support Only Surveys, Questionnaires, and Record Reviews Currently Exempt From HHS Regulations

Department of Justice:
- Bureau of Justice Statistics
- United States Parole Commission

Department of the Treasury:
- Internal Revenue Service

General Services Administration:
- National Archives and Records Service

International Communications Agency
National Endowment for the Arts
National Transportation Safety Board
Office of Personnel Management
Small Business Administration
Tennessee Valley Authority

Agencies That Are Only Involved as Sponsors of Research Carried out by Other Federal Agencies.

Nuclear Regulatory Commission Smithsonian Institution

Agencies That Permit the Use of Their Facilities and Personnel For Health/Safety Studies Conducted or Supported by Other Federal Agencies

ACTION
U.S. Postal Service

Table 3.—Agencies Included in This Report's Review and Analysis

Agencies That Conduct or Support Biomedical or Behavioral Research of the Sort Covered by HHS Regulations (45 CFR 46)

American National Red Cross
Central Intelligence Agency
Consumer Product Safety Commission
Department of Agriculture
Department of Commerce
Department of Defense:
- Army
- Navy
- Air Force

Department of Education
Department of Energy
Department of Health and Human Services
Department of Housing and Urban Development
Department of Justice:
- Bureau of Prisons
- Office of Justice Assistance, Research, and Statisitics

Department of Transportation:
- Coast Guard
- Federal Aviation Administration
- Federal Highway Administration
- Nat'l Highway Traffic Safety Admin.

Environmental Protection Agency
National Science Foundation
U.S. Intern'l Development Coop. Agency
Veterans Administration

* * * * *

Food and Drug Administration (which *regulates* research on new drugs and medical devices)

4. *Scope of This Report.* As a result of the foregoing deletions, reorganizations, and modifications, 17 Federal departments or agencies have been identified that currently conduct or support biomedical or behavioral research with human subjects that comes within the definition provided by 45 CFR Part 46. Three of those agencies have separate subsidiary components that operate under their own policies or regulations for the protection of human subjects: the Department of Defense (the Army, the Navy, and the Air Force); the Department of Justice (the Bureau of Prisons, and the Office of Justice Assistance, Research, and Statistics); and the Department of Transportation (the U.S. Coast Guard, the Federal Aviation Administration, the Federal Highway Administration, and the National Highway Traffic Safety Administration). Thus, there are a total of 23 separate Federal entities that conduct or support biomedical or behavioral research with human subjects whose rules and procedures are scrutinized in this Report.

The Commission has also chosen to review the rules and procudures of the Food and Drug Administration (FDA), within the Department of Health and Human Services. Under the Federal Food, Drug and Cosmetic Act, the FDA regulates research on new drugs, biologicals, and medical devices. Its basic regulatory scheme was brought into conformity with the regulations governing research conducted and supported by the new rules issued simultaneously with the 1981 HHS revisions. The FDA's method of implementation and monitoring differs from that applicable to grant and contract aspects of HHS, as noted in Chapter Three.

Draft summaries of the regulations and policies of each of these Federal entities were sent to the head of the appropriate departments or agencies in June 1981 for review. Agency heads were asked to confirm the accuracy of the summaries or to indicate necessary modifications. (Agency heads were also asked to provide a description of their procedures for monitoring the implementation of the regulations and investigating and resolving complaints. That material is discussed in Chapter 3 of this Report.) The agencies were also asked for documentation to justify significant changes. The material provides the basis for the description and analysis of this chapter.

B. *The Regulatory System Government Research Conducted or Supported by the Department of Health and Human Services (HHS).* Since 1966, when the Surgeon General issued an order requiring institutional review to assure ethical accepability of research with human subjects supported by Public Health Service (PHS), the PHS policies and procedures have served as a model for other Federal agencies. The history and development of those policies (now embodied in (HHS) regulations) have been amply chronicled before in the National Commission's report on IRBs and elswhere, (*12*) and need not be repeated here.

The National Commission found in 1978 that "of the 19 other Federal entities that have formal policies or regulations governing research with human subjects, 17 adopt HEW standards and procedures to a substantial degree, and most of these cite HEW regulations or policy as a reference." (*13*) Morover, the National

Commission reported that of the departments and agencies lacking formal policies for the protection of human subjects, all but two (the Law Enforcement Assistance Administration and the Department of Housing and Urban Development) conduct or support only surveys, questionnaires or record reviews—activities not universally considered "reserch with human subjects".

The survey conducted for this report yielded similar results, both on uniformity and on the preeminence of the HHS regulations. In order to understand the extent of uniformity of regulations government-wide, however, it is necessary first to describe the policies and procedures of HHS. (*14*) The regulations of the other agencies may then be compared to the HHS prototype.

1. *Applicability.* The HHS regulations (45 CFR Part 46), as revised January 26, 1981, apply to all research involving human subjects supported or conducted by HHS, with a few explicit exemptions. "Human subject" is defined as a living individual about whom an investigator conducting research obtains (1) data through intervention or interaction with the individual, or (2) individually identifiable private information.

The following are exempt from the regulations:

(a) Research conducted in established or commonly accepted educational settings, involving normal educational practices;

(b) Research involving the use of educational tests if identities of subjects are not recorded;

(c) All research involving survey or interview procedures when the respondents are elected or appointed public officials or candidates for public office;

(d) Research involving survey and interview procedures or observation of public behavior, unless (1) the subject's identities are recorded and (2) the information, if known outside the research, could reasonably place the subject at risk of legal liability, or be damaging to the subject's employability of financial standing and (3) the research deals with sensitive aspects of the subject's own behavior;

(e) Research involving the collection or study of existing data documents, records, pathological or diagnostic identifies.

2. *Review Procedures.* Each institution that conducts research covered by the regulations must submit an assurance to the department describing its procedures for complying with the requirements of HHS regulations (45 CFR Part 46). The assurance must contain a statement of principles the institution will follow in discharging its responsibilities for protecting human subjects in research conducted at or sponsored by the institutions (*e.g.*, Nuremberg Code, Helsinki Code), regardless of source of funding. Further, the assurance must identify one or more Institutional Review Boards (IRBs) established by the institution to review and approve all research involving human subjects covered by the HHS regulations. An IRB must have at least five members of varying backgrounds, sufficiently qualified to review research proposals and activities commonly conducted by the institution, and include at least one member "whose primary concerns are in a nonscientific area" and at least one individual unaffiliated with the institution. The members of an IRB may not all be of the same gender, nor may the members come from only one professional group. IRB members must be identifed to HHS by name, earned degrees, representative capacity, professional (or other) experience, and relationship with the institution.

The assurance must also describe IRB procedures: (1) For conducting initial and continuing review of research proposals and activities, (2) for determining which projects require review more often than annually and which require verification from sources other than the investigators that no material changes have occurred since previous IRB review, (3) for assuring that scientists report any proposed changes in a research activity to the IRB, and for assuring that changes are not initiated without IRB sanction except as needed to eliminate immediate hazards to subjects, and (4) for reporting to HHS unanticipated problems involving risks to subjects or others and any serious or continuing noncompliance by investigator with the HHS regulations or with the requirements and determination of the IRB.

3. *Review Standards.* No HHS funds may be awarded for the conduct of research with human subjects unless an approved IRB certifies that the following conditions are satisfied:

a. The risks to subjects are minimized by using procedures consistent with sound research design and which do not unnecessarily expose subjects to risk and whenever appropriate, by using procedures already being performed on the subjects for diagnostic or treatment purposes;

b. The risks to subjects are reasonable in relation to anticipated benefits, if any, to subjects and to the importance of the knowledge that may reasonably be expected to result;

c. The selection of subjects is equitable;

d. Informed consent will be sought from each prospective subject or the subject's legally authorized representative in accordance with, and to the extent required by, the regulations;

e. Consent will be appropriately documented;

f. Where appropriate, the research plan makes adequate provision for monitoring the data collected to insure the safety of subjects;

g. Where appropriate, there are adequate provisions to protect the privacy of subjects and to maintain the confidentiality of data; and

h. Where some or all of the subjects are likely to be vulnerable to coercion or undue influence, such as persons with acute or severe physical or mental illness, or persons who are economically or educationally disadvantaged, appropriate additional safeguards have been included in the study to protect the rights and welfare of these subjects.

4. *Consent Provisions.* The information provided to prospective subjects or their representative must be in language they can understand. Consent should be sought only under circumstances that provide the prospective subject or the subject's representative with sufficient opportunity to consider whether or not to particiate and that minimize the possibility of coercion or undue influence. No informed consent, whether oral or written, may include any exculpatory language "through which the subject is made to waive or appear to waive any legal rights or release the investigator, the sponsor, the institution or its agents from liability for negligence."(*15*) A copy of the information provided, as well as the signed consent form (if any), must be given to the subject or the subject's representative.

The following elements must be disclosed to subjects for valid informed consent:

a. An explanation of the purpose of the research and the expected duration of the subject's participation, a description of the procedures to be followed, and identification of any procedures which are experimental;

b. A description of any reasonably foreseeable risks or discomforts to the subject;

c. A description of any benefits to the subject or to others which may reasonably be expected from the research;

d. A disclosure of appropriate alternative procedures or courses of treatment, if any, that might be advantageous to the subject;

e. A statement describing the extent, if any, to which confidentiality of records identifying the subject will be maintained;

f. For research involving more than minimal risk, an explanation as to whether any compensation will be made and any medical treatments are available if injury occurs and, if so, what they consist of, or where further information may be obtained;

g. An explanation of whom to contact for answers to pertinent questions about the research and research subjects' rights, and whom to contact in the event of a research-related injury to the subject; and

h. A statement that participation is voluntary, refusal to participate will involve no penalty or loss of benefits to which the subject is otherwise entitled, and the subject may discontinue participation at any time without penalty or loss of benefits to which the subject is otherwise entitled.

Additional information must be provided, when appropriate:

a. A statement that the particular treatment or procedure may involve risks to the subject (or to an embryo or fetus, if the subject is or may become pregnant) which are currently unforeseeable;

b. Anticipated circumstances under which the subject's participation may be terminated by the investigator without regard to the subject's consent;

c. Any additional cost to the subject that may result from participation in the research;

d. The consequences of a subject's decision to withdraw from the research and procedures for orderly termination of participation by the subject;

e. A statement that significant new findings developed during the course of the research which may relate to the subject's willingness to continue participation will be provided to the subject; and

f. The approximate number of subjects involved in the study.

The regulations include additional protections and special procedures for research involving prisoners and for research involving pregnant women, the human fetus, and human in vitro fertilization. (Details are provided in Appendices A and B.)

5. *Sanctions.* If an institution or principal investigator is found to have "failed materially" to protect human subjects, the Secretary may terminate or suspend current funds or withhold further HHS research funding (whether or not HHS funds were involved in the research in which the failure to protect subjects occurred).

C. *Summary and Analysis of the Regulations of Other Federal Agencies.* The HHS regulations summarized above provide the gauge against which to measure the regulations and policies of the other Federal agencies.

1. *The Degree of Uniformity: Minor Variations.* Seventeen of the Twenty-two Federal entities other than HHS that conduct or support bio-medical or behavioral research involving human subjects have regulations or policies that substantially conform with HHS regulations (see Table 4). That is, they require review and approval of proposed resarch by an IRB or similar committee, using standards for review and consent provisions that mirror, or are similar to, those in the HHS regulations.

The regulations of two of these seventeen Federal entities, however, apply to some but not all of the research conducted or supported by those agencies. The Department of Education's regulations for the protection of human subjects apply to contracts, but not to grants. NASA requires IRB review for intramural research but not for extramural research.

Among the agencies that generally conform to 45 CFR 46, however, there are minor differences that complicate the work of IRBs. For example, the Army, Navy and Air Force require that IRBs determine that prior animal studies have been conducted, where possible, prior to approving human studies. They also require IRBs to determine that facilities where the research will be conducted are adequate to handle foreseeable injuries. The Consumer Product Safety Commission has the same requirement. The National Highway Traffic Safety Administration requires IRBs to review research involving cadavers; HHS and all agencies that follow 45 CFR Part 46 limit review requirements to research involving *living* human subjects.

TABLE 4.—AGENCY CONFORMITY WITH HHS REGULATIONS (45 CFR PART 46)

Department or agency	Requires IRB or similar committee	Review standards similar to HHS	Consent provisions similar to HHS	Notes
American National Red Cross.	X	X	X	
Central Intelligence Agency.	X	X	X	
Consumer Product Safety Commission.	X	X	X	
Department of Agriculture.	X	X	X	
Department of Commerce.	X	X	X	
Department of Defense:				
Army	X	X	X	
Navy	X	X	X	
Air Force	X	X	X	
Department of Education.	X	X	X	IRBs are required for contracts but not grants.
Department of Energy.	X	X	X	
Department of Housing and Urban Devel..	See Notes.			Independent review when more than limited potential of harm.
Department of Justice:				
Bureau of Prisons.	X	X	X	
Office of Justice Assist., Research, and Statistics.	See notes.	See notes.	See notes.	Employs advisory boards; protects confidentiality.
Dept. of Transportation:				
Coast Guard	X	X	X	
Federal Aviation Administration.	X	X	X	
Federal Highway Administration.	X	X	X	
Nat'l Highway Traffic Safety Admin.	X	X	X	
Environmental Protection Agency.	X	X	X	
National Aeronautics and Space Admin..	X	X	X	IRBs required only for intramural research.
National Science Foundation.	X	X	X	
U.S. Intern'l Development Coop. Agency.	X	See notes.	See notes.	(45 CFR Part 46) provides guidance.
Veterans Administration.	X	X	X	

Agencies also have a variety of rules regarding special classes of subjects. The Army has adopted special protections (similar to recommendations of the National Commission) for the participation of children, prisoners, and the mentally disabled in Army research activities. The Navy and the Air Force simply exclude prisoners and the mentally disabled; the Air Force also excludes children. The Army (but not the Navy or the Air Force) specifically prohibits the participation of prisoners of war. The Department of Agriculture excludes pregnant or lactating women from certain kinds of studies; the Air Force excludes females "unless there is reasonable assurance of no concomitant pregnancy that would place the fetus at risk and if methods adopted for contraception do not place the female subject at increased risk without complete disclosure to the female subject."

There are also minor variations regarding what must be disclosed to subjects in the consent process. A number of agencies require information regarding the Privacy Act and the extent to which research data will (or can) be kept confidential; others have no such requirement. The Office of Justice Assistance, Research, and Statistics (OJARS) of the Department of Justice supports research involving surveys, questionnaires and observational data which may deal with sensitive topics such as drug or alcohol use and illegal

conduct. With research of this kind, the significant risk to subjects is the possibility of a breach of confidentiality. Therefore, OJARS has extensive regulations that protect the confidentiality of data even from subpoena. In place of IRBs, advisory boards meet several times a year with project staff to review the progress of the research.

The Bureau of Standards provides a completely different description of informed consent. The Bureau's definition (which, among other features, equates "informed consent" with the document that records the agreement reached by investigator and subject) includes:

(a) Information on all features of the research that are likely to influence the subject's willingness to participate, such as risk of injury or possibility of embarrassment, discomfort, or emotional stress;

(b) Explanation of other aspects of the research about which the subject inquiries which is consistent with maintaining the validity of the research; and

(c) An agreement, to be signed by the subject and the principal investigator, which states the responsibilities of each and the relevant features of the research and which makes explicit the right of the subject or the principal investigator to terminate the subject's participation at any time without incurring any legal liability.

The Bureau of Standards also adds that subjects must be free from undue coercion and undue pressure as well as from the inducement of excessively high rewards (moneatry or otherwise). The Bureau of Prisons limits incentives for participation to soft drinks and snacks given at testing time. The Navy requires that the sponsor of the research be identified and NASA requires that subjects be informed if, for any reason, withdrawal during the conduct of the research is not an option (e.g., because it would be unwise, dangerous, or impossible).

Administrative details also vary among agencies. The Consumer Product Safety Commission and the Navy both require that all consent forms be submitted to the agency along with the research proposal; most agencies apparently do not. The Navy requires that documentation of IRB approval be signed by *every* member of the IRB; most agencies (including HHS) accept the signature of the chairman. Most agencies require that IRB records pertaining to research activities be retained for a period of 3–5 years following completion of the research. The Navy requires that such records be retained permanently, and the Air Force requires that copies of all such records be forwarded to the Air Force upon completion of the research.

Clearly, IRBs that review hundreds of research proposals per year, many of which may be submitted to (and even funded by) more than one agency, need to have copies of the regulations of each agency at hand in order to assure compliance with these varied provisions. Furthermore, the regulations are constantly changing. Several Federal departments or entities are now in the process of developing new regulations for the protection of human subjects, including the Departments of Defense and of Transportation, which are formulating department-wide standards, the Department of Agriculture, which is bringing its policies into conformity with the most recent HHS revisions, and the Bureau of Prisons, within the Department of Justice, which is currently drafting new regulations for the protection of inmates as research subjects that generally conform to the HHS regulations.*

2. *Agencies Without Formal Regulations.* Four Federal entities have no formal regulations specifically for the protection of human subjects involved in research. Three of these four are components of the Department of Transportation (DOT). The Department reports that it is in the process of developing department-wide regulations for the protection of human subjects; however, in 1977 DOT reported to the National Commission that it was then engaged in such an effort. Until the new regulations, which are to conform with HHS regulations, are implemented, three of the four components of the Department lack rules specifying their means of protecting human subjects, while the remaining DOT agency (The National Highway Traffic Safety Administration) has rules that parallel the HHS regulations.

The Department of Housing and Urban Development (HUD) is the only other Federal agency conducting research with human subjects that does not have formal regulations for the protection of human subjects. In HUD's initial response to the Commission's inquiry, Donna Shalala (Assistant Secretary for Policy Development and Research) stated that except for a study co-sponsored with HEW, involving the testing of an aversive additive in paint to deter children from eating paint chips, HUD "has never sponsored any human subject or biomedical studies." (*16*) Moreover, Dr. Shalala challenged the statement in the National Commission's report that HUD's "housing allowance experiment" constituted research with human subjects.(*17*)

The definition of "research with human subjects" and the possible inclusion of HUD's activities within such a definition was explored more fully with Dr. Shalala and her staff at hearings before the Commission in July 1980 and in subsequent correspondence. The result was HUD's acknowledgement that some of its research may present risk to human subjects. The Department has now developed a departmental memorandum that requires internally generated projects as well as "unsolicited research proposals" involving risk to human subjects to be approved by an independent review board.(*18*) Certification of the board's approval of the research design, as well as a description of the review board's procedures and membership, must be forwarded with the proposal (see Appendix B). The memorandum does not set forth the standards of review nor require IRB approval at the home institutions of those carrying out human research with HUD funds. Moreover, the memorandum does not supply the fundamental analysis needed to establish the differences and similarities between the concerns that motivate regulation of biomedical and behavioral research and those that are appropriate in the case of "social policy experiments" of the type supported by HUD.(*19*)

D. *Conclusions.* Concern for the adequacy and uniformity of the rules for the protection of human subjects is raised most immediately by the Federal entities that currently lack procedures and standards that conform with HHS regulations. A lack of internal consistency occurs in two agencies that apply HHS policies and standards to some, but not all, research conducted under their auspices: the Department of Education, and NASA. The Commission believes that such regulatory anomalies should be corrected. Further, the policy statements of serveral agencies that merely refer to HHS regulations "for guidance" should provide more explicit directives.

The Commission believes that achieving uniform regulations throughout the Federal government is an important goal. The high costs of nonuniform rules were forcefully articulated in the findings of the Commission on Federal Paperwork:

If other agencies are permitted to deviate from or even to paraphrase the NIH/HEW regulations (45 CFR Part 46), the result will be unnecessary duplication of reporting, recordkeeping, and other activities on the part of the Government as well as the

*The Department of Justice wishes to note that final regulations were published October 1, 1981 (46 FR 48574).

organization involved. Some agencies, including the National Science Foundation and the Department of Agriculture, have accepted the NIH/HEW regulations by reference, without finding it necessary to paraphrase, interpret, or expatiate. Others, even while recognizing HEW's precedence, phrase their regulations so as to require conformity to their own policies. This creates conflict if future changes in their policies and in HEW's are not identical and simultaneous. In addition, it requires multiple submission of general assurances, which are frequently intricate and lengthy documents and which must be updated periodically. (*20*)

The achievement of uniform Federal regulations on the protection of human subjects appears to be an achievable objective, since the resent HHS regulations provide common ground which most of the affected agencies can apparently aceppt. Moreover, HHS regulations permit sufficient flexibility for agencies whose involvement with research is limited. For example, the HHS requirements on IRB review and consent for the collection of personally identifiable information might be supplemented by OJARS if it believes that more extensive safeguards are needed to protect the confidentiality of the sensitive data that are often involved in its research projects. Similarly, the activities of the Department of Housing and Urban Development would not be impeded by inappropriate requirements since it supports primarily social science research, much of which is now exempt from HHS regulatory requirements. If any of the research funded by HUD is of the sort to which HHS regualtions apply, however, it should be subjected to IRB review using the standards set forth in those regulations. The three remaining Federal entities that appear to have less than fully adequate policies for the protection of human subjects are part of the Department of Transportation which after four years continues to report that it is in the process of developing department-wide regulations to conform with those of HHS.

In summary, the President's Commission has identified the following problems with respect to adequacy and uniformity of Federal rules governing research with human subjects: (1) Lack of uniformity among component parts of a department or agency (the Department of Defense, the Department of Justice, and the Department of Transportation); (2) inconsistency with respect to applicability of regulations to all categories of research within a single Federal entity (the Department of Education, and NASA); and (3) lack of complete uniformity among all Federal departments and agencies.

The Commission believes that all research involving human subjects that is supported by public monies should conform to a uniform "core" of regulations. The provisions announced by the Department of Health and Human Services earlier this year and codified in 45 CFR Part 46 provide an acceptable starting point of any attempt to achieve uniformity. The Commission notes, however, that many of the variations adopted by other agencies appear sensible and should be reviewed for possible incorporation in the regulations of HHS which, thereafter, should become the standard for all research regulated, conducted or supported by Federal agencies or by direct appropriations from Congress. Specific recommendations for improving the adequacy and uniformity of Federal regualtions governing research with human subjects appear in Chapter 5.

Footnotes

(*1*) The statutory definition of "Federal agency" excludes the U.S. Courts; therefore, the Commission did not review the activities of the Federal Judicial Center regarding research or experimentation in the justice system. The Commission notes, however, that the Federal Judicial Center has recently received a report on this subject, with recommendations, from an advisory committee on *Experimentation in the Law*, U.S. Government Printing Office, Washington (1981).

(*2*) National Commission for the Protection of Human Subjects, *Report and Recommendations: Institutional Review Boards*, U.S. Government Printing Office, Washington (1978) [hereinafter cited as *IRB Report*].

(*3*) The Departments of Labor and of the Interior reported in 1976 that they do not conduct or support research with human subjects. *See* letters to Charles U. Lowe, M.D., from John T. Dunlop, Secretary of Labor (October 1, 1975) and from Rayston C. Hugkes, Assistant Secretary of the Interior (October 14, 1975).

(*4*) *See* letters to Barbara Mishkin from: Robert B. Minogue, Director, Office of Nuclear Regulatory Research (July 23, 1981; S. Dillon Ripley, Secretary, Smithsonian Institution (April 2, 1980); William F. Bolger, Postmaster General (April 4, 1980); and James B. Lancaster, Assistant Director for Administration and Finance, ACTION (April 11, 1980 and December 31, 1980).

(*5*) Five Federal entities that appeared in the 1977 report of the National Commission appear under different names in this report due to reorganization. The Civil Service Commission is now the Office of Personnel Management; it conducts only surveys and questionnaires. The Agency for International Development (AID), formerly part of the Department of State, has become the International Development Cooperation Agency. The Education division of the Department of Health, Education, and Welfare became a separate Department of Education, and HEW became the Department of Health and Human Services. Finally, the Law Enforcement Assistance Administration (LEAA) is now part of the Office of Justice Assistance, Research, and Statistics—still within the Department of Justice.

(*6*) Letter (March 25, 1980) from Louis Nunez, Staff Director, U.S. Commission on Civil Rights.

(*7*) Letter (July 31, 1981) from Joseph C. Brown, Acting Director of Personnel, U.S. Department of Commerce.

(*8*) Memorandum from Acting Associate Administrator for Research and Development, included as attachment to letter (May 27, 1980) from Martin Convisser, Director, Office of Environment and Safety, Office of the Secretary, DOT.

(*9*) Letter (April 28, 1980) from Robert W. White, Administrator, National Research Council, National Academy of Sciences.

(*10*) 22 U.S.C. 278, 45 Stat. 491 (1928) as subsequently revised.

(*11*) Personal communication (October 2, 1981) with William Doak, Executive Officer, Fogarty International Center.

(*12*) Briefly summarized, the HHS regulations derive from Public Health Service review requirements initiated in 1966 by the Surgeon General. These were expanded and elaborated in the 1971 *Institutional Guide to DHEW Policy on Protection of Humon Subjects*, a description of the grants administration policy which required initial review of proposed research by committees at each institution to assure that the risks were justified by the anticipated benefits or the importance of the knowledge to be gained, and that informed consent would be obtained by methods that are adequate and appropriate. (The required elements of informed consent were defined and explained.) Continuing review of ongoing projects was also required.

Proposed regulations were published in 1973 and final rules were issued in 1974 which converted the earlier grants administration policies into regulations applicable to all research conducted or supported by HEW. An important difference between the new regulations and the old policy was that whereas formerly the review requirement attached only to research activities deemed (by the principal investigator) to present risk to human subjects, the new requlations applied to all research with human subjects, leaving it to the review boards to determine the extent of any risk involved.

The proposal and promulgation of regulations by HEW took place against the backdrop of considerable Congressional interest in 1973–74. During this period, hearings were held on legislation intended to address problems with human experimentation that had been the subject of recent publicity, such as the Tuskegee Syphilis Study sponsored by the Public Health Service between 1932 and 1972. The Congressional attention culminated in Title II of the National Research Act of 1974 (Public Law 93–348), which not only required that research institutions have IRB's but also established the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, within HEW, to

study the ethical principles underlying research and to recommend means of protecting human subjects.

Between 1975 and 1978 the National Commission issued a series of reports and recommendations for amendments to the 1974 regulations, some of which have now been adopted by HHS. The most recent revisions to the regulations (published in January 1981) largely adopted the National Commission's recommendations regarding Institutional Review Boards; earlier revisions incorporated recommendations regarding research with the human fetus and research involving prisoners.

Further descriptions of the history and development of HHS regulations may be found in: Bernard Barber, *Informed Consent in Medical Therapy and Research*, Rutgers University Press. New Brunswick (1980) at 41–45; Nathan Hershey and Robert D. Miller. *Human Expertmentation and the Law*, Aspen Systems, Rockville (1976) at 1–11; Robert J. Levine, *Ethics and Regulation of Clinical Research*, Urban and Schwarzenberg, Baltimore (1981) at 207–210. *See Also* an extensive history in Chapter Two of The President's Commission's forthcoming report on *Compensating for Research Injuries*.

(*13*) *IRB Report, supra* note 2, at 94.

(*14*) A more detailed description of HHS policies and procedures appears in Appendix B to this report; Appendix A contains the full text of the regulations.

(*15*) 45 CFR 46.116.

(*16*) Letter (March 28, 1980) from Donna E. Shalala, Assistant Secretary for Policy Development and Research, Department of Housing and Urban Development.

(*17*) *IRB Report, Supra* note 2, at 96, 100–101.

(*18*) HUD Policy Memorandum (February 21, 1981) from Arthur S. Newburg, Director, Office of Management and Program Control, to "All PD&R Staff" attached to letter (February 24, 1981) from Mr. Newburg to Alexander M. Capron.

(*19*) *See, e.g.*, Alice M. Rivlin and P. Michael Timpane, eds., *Ethical and Legal Issues of Social Experimentation*. The Brookings Institutions, Washington (1975); Advisory Committee on Experimentation in the Law, Federal Judicial Center, *Experimentation in the Law*, U.S. Government Printing Office, Washington (1981).

(*20*) *A Report of the Commission on Federal Paperwork: Education*, U.S. Government Printing Office, Washington, D.C. (April 29, 1977) at 40.

Chapter 3: The Adequacy and Uniformity of the Regulations' Implementation

In evaluating the implementation of regulations governing research with human subjects, the Commission determined that its most appropriate focus would be not on the IRBs themselves but on the procedures of Federal agencies and on the knowledge these agencies have about the implementation of their rules for protecting human subjects. The Commission reached this conclusion for several reasons. First, it had neither the statutory life nor the budget to undertake an empirical examination of IRBs comparable to the two million dollar study supported by the National Commission for the Protection of Human Subjects from 1975 to 1977. More important, that study is recent enough so that its findings continue to have a great deal of cogency. One of those findings was that IRBs were not consistently implementing Federal policy particularly with respect to the adequacy of consent documents and IRB involvement after initial review of research proposals. Consequently, in making its recommendations on IRBs, the National Commission stressed the need for the Department of Health, Education, and Welfare (as it was then known) to engage in vigorous "compliance activities" to determine how well its regulations were being implemented and to supply necessary education, encouragement or punishment.(*1*)

By focusing on implementation from the Federal side, the Commission intends also to encourage an examination of some basic issues about the regulation of human research. The ambiguous nature of the IRB system for regulating human research has never been resolved; indeed, it has seldom been addressed. To answer the simple question, "What is an IRB," one must confront the tension that is so often found with organizational hybrids. Or, to borrow from the fable, the IRB is like an elephant being described by blind men each of whom perceives it differently. The central difference in perception is between a research institution's vantage point and that of the Federal government. In the view of the former, its IRB is a local body; moreover, it is an outgrowth of the traditional informal mode of "peer review" that characterizes collegial, academic settings. Yet from the Federal viewpoint—and as a matter of historical fact (*2*)—the IRB today is a local body established under, and responsive to, Federal rules; in effect, it performs delegated functions under the supervision of Federal officials.(*3*)

Thus, while past descriptions have emphasized the *institutional* aspects of the IRB system it seemed appropriate for the Commission to begin its examination of the "adequacy and uniformity of the implementation of the regulations" by focusing on the *Federal* aspects. In taking up this specific statutory mandate, the Commission does not want to be understood as denying the importance of trust in the IRB system nor as pointing inevitably toward the displacement of such trust by formal review mechanisms. Rather, the Commission began its study of "the implementation of the regulations" by asking responsible officials to report on their means for knowing that the authority delegated to local institutions was being exercised so as adequately to protect human subjects. The result of this initial inquiry was the finding that most agencies, including the grant and contact wings of HHS, have only limited first-hand knowledge of the actual performance of IRBs. The paucity of systematic data was acknowledged by responsible officials, who described for the Commission efforts that have recently been made or that are planned to provide a better ongoing picture of the regulations' actual application. A richer and more detailed understanding of "the implementation of the regulations" came from a second source, namely the Commission's examination of the response of Federal agencies to several reports of regulatory violations or of other serious misconduct by grantees and contractors. While the few instances of alleged misconduct and institutional or Federal failings are not regarded by the Commission as representative of contemporary research or of the functioning of the system to protect human subjects, the Commission is acutely aware of the vulnerability of the present system to (probably unjustified) adverse judgements in the absence of systematic data that would allow the "problem cases" to be viewed in proper perspective.

The Commission sought information not only from the relevant Federal agencies but also through testimony from IRB members and institutional administrators, papers prepared under contract, conferences attended by members of its staff, and recent articles that have appeared in the literature. (In this discussion, as in the previous chapter, the primary focus will be on the policies and procedures of HHS with which other Federal agencies will be compared and contrasted.)

A. *Do Federal Agencies Know How IRBs are Performing?* Within HHS, two methods are used for obtaining information about IRBs. One approach was developed in NIH for grantee institutions; the other was developed by FDA for research in support of new drug applications. The former approach relies largely on a promise of faithful execution of certain regulatory responsibilities by those at local institutions who have agreed to undertake those responsibilities; the FDA system relies primarily on a system of routine inspections performed during or after the conduct of the research.

1. *The Negotiation of "Assurances" by HHS.* The procedures set forth in 45 CFR Part 46 require all grantee institutions to provide written assurance that they will comply with the HHS regulations to protect human subjects. An institution's assurance of compliance must be approved by the Office for Protection from Research Risks (OPRR) within the Office of the Director, NIH. The information contained in an assurance provides the basis on which a determination is made that the composition and operating procedures of the institution's IRB meet regulatory requirements and that the institution is, therefore, eligible to receive HHS grants and contracts for the conduct of research involving human subjects. In the wake of the revisions to the regulations that took effect in July 1981, new assurances of compliance must be negotiated by all institutions. This process will take a year or more. Indeed, the Director of OPRR reports that negotiations for new assurances implementing the regulations issued May 30, 1974, began in mid-1975 and took more than two years to complete. (*4*)

Although the process of providing an assurance of compliance with the regulations might ideally provide an occasion for careful consideration by institutions of how they will meet their responsibilities toward human subjects, some aspects of the manner in which new assurances are being negotiated decrease the likelihood that grantee institutions will take advantage of the opportunity to review their responsibilities.

A sample assurance (dated July 3, 1981, rev. August 11, 1981) has been distributed by HHS to each institution having a general assurance on file with HHS under the old regulations. OPRR had described plans to offer institutions a variety of model formats for re-negotiating their general assurances; (*5*) instead, one sample was provided. In order to affirm its intent to comply with 45 CFR Part 46 an institution following this 22 page document would have to recite each individual section and subsection of the regulations almost in their entirety. (*6*) This recitation has the effect of a litany, rather than focusing an institution's thinking on the specific administrative and structural arrangements *through which* it will carry out the commitment to abide by 45 CFR Part 46. Not only is such reiteration unnecessary—a one sentence promise to comply with all regulatory requirements would serve the same function—but it may discourage thoughtful self-scrutiny and actual compliance.

OPRR has explained its choice of format for negotiating assurances by stating that when such a detailed assuraance is distributed within an institution "the relevant parts of the regulations would [thereby] be in the hands of the individuals with responsibility for complying with them." Yet this laudable objective is defeated by the chosen format. The sample assurance makes oblique cross references to the regulations; this would make it necessary for anyone expecting to understand the assurance to have a copy of the regulations in hand as well. (*7*)

The Commission realizes that while another approach might have been preferable, the single sample assurance is already in use. Moreover, the Department has told the Commission that it shares the Commission's concern that the negotiation of new assurances by all research institutions be regarded as an important opportunity for self-examination and appropriate ingenuity on the part of research institutions as they develop administrative mechanisms responsive to their particular needs. The effort devoted to this can yield great dividends in institutional sensitivity to, and readiness to provide effective protection for, the subjects of research.

2. *The Steps Taken by OPRR to Improve Implementation.* A more serious limitation of the assurance procedure as it presently exists is its emphasis on providing only a prospective picture of the process of research review that an institution will follow. Recognizing that this provides very little information about the actual performance of the IRB, OPRR has taken several steps. The first, which has been in existence for some time, is to respond to any serious problems that come to the office's attention. Mechanisms exist to bring to OPRR's attention some problems in IRB operations, though they are far from complete or systematic. In any case, most of the "problems" uncovered have not proven to be serious; most are disposed of through a phone call to the institution or through an exchange of correspondence.

To increase its awareness of the adequacy of IRB functioning, OPRR has instructed each "study section" (initial review groups which advise the Institutes on the scientific merit of applications for grants and contracts) to evaluate the investigators' descriptions of six factors bearing on the protection of human subjects (see Appendix B). The "Summary Statement" for each research application, prepared by the executive secretary of the study section, provides a means for the section members to express any concerns about the description of risks, the adequacy of protection against risks, and the balance between risks and benefits. If problems relating to the protection of human subjects are identified by a study section, they are called to the attention of the Institute's advisory council or board when the project is under consideration for funding. OPRR plays a coordinating role in resolving any such problems before HHS funds are permitted to be expended.

OPRR reports that it is planning to systematize the information available from the "Summary Statements" into a data base which could be used to evaluate the IRB system in general and the performance of each IRB in particular. The Commission hopes to learn more about these efforts as part of its work on its next *Biennial Report.* The sensitivity of such a system is a matter of special concern; for example, will it be able to differentiate serious problems from clerical errors on the part of an investigator or IRB, or to separate those instances in which concerns raised by study sections that are found to be "justified" from those which are merely "differences of opinion" between a study section and a conscientious IRB?

Study section review does not provide OPRR either with general information about IRB functioning (since each study section looks only at the "end product" of IRB action in the cases it is reviewing and not at overall IRB activities) or with particular information about the manner in which an IRB follows up on research once approved. Some first-hand information is available to OPRR, however, through various site visit mechanisms. Although OPRR itself has conducted only a few such on-site inspections, the routine institutional site visits conducted by scientific review groups in the General Clinical Research Centers Program (which is operated by the Division of Research Resources at NIH) include meetings with IRB members and review of IRB practices. Summary reports of those site visits are viewed by OPRR; none has triggered further review of an IRB by that Office.(*8*)

In responding to the National Commission's recommendation of "compliance activities," such as IRB audits and site visits, the Department in August 1979 said that Congressional action would be unnecessary on this point, since such practices were already part of HHS procedures. As already described, systematic efforts in the direction of "compliance" (as opposed to "assurance") mechanisms are still far

from complete. Indeed, representatives of the Department have explained that steps toward auditing IRB performance which were described to the Commission in May 1980 remain in the planning stages because OPRR's limited resources are largely devoted to the regular process of reviewing all NIH research proposals for compliance with the regulatory requirements and to the negotiation of new assurances under the regulations promulgated in January 1981.

Although OPRR has not yet instituted regular site visits, it reports that some site visits have been conducted. Yet, since well-defined procedures for auditing IRBs are lacking, OPRR had difficulty in giving a complete picture of the site visits it has conducted. In a letter to the Chairman of the Commission in May 1980, the Director of OPRR defined site visits to include "examination of IRB minutes and interviews with the chairmen and members of the IRB, administrative staff, and research investigators" and reported that OPRR carried out two such site visits in Fiscal Year 1979 and three in Fiscal '80.(*9*) The Deputy Director of OPRR testified in November 1981, however, that his office had conducted a total of 80 site visits between 1975 and 1981, although many of these were "of a routine nature to assist institutions in complying with the regulations in circumstances of special complexity (cooperative research projects of a large scale) or to provide guidance and information on HHS policy and to discuss general problems of IRB operation."(*10*) Clearly, the November 1981 statement reflects a very different (*i.e.*, more expansive) notion of what constitues a "site visit." Indeed, the OPRR officials agree that the number of such visits that could properly be termed "audits" of IRB operations was probably "very small," and that few if any of those conducted were in response to allegations of serious problems or to reports from FDA inspection teams, or from the reports of NIH study sections' concerns.(*11*) The additional contacts with research institutions do, however, provide OPRR with "extensive general information about IRB functioning even though the information lacks the precision that might come from formal IRB audits and site visits (in the narrow sense)."(*12*)

In order to mount effective "compliance activities," OPRR will need a schedule of, and defined procedures for conducting, either routine or "spot" audits of IRBs. Such steps would permit genuine "site visits" to be readily distinguished from visits to provide guidance or information, on the one hand, and from extraordinary investigations of alleged misconduct, on the other. In order to help HHS obtain more than sporadic glimpses of the performance of IRBs, the Commission is working with OPRR (and the FDA) to develop means of obtaining information about IRBs that are both economical and likely to promote the system's highest aspirations. (Further information on this point is contained in Chapter Four.)

3. *Food and Drug Administration.* An approach that is very different from that of NIH is followed by the Food and Drug Administration (FDA), even though it is also a component of the Public Health Service within HHS. The FDA *regulates* research, regardless of the source of funding, that is performed in support of applications for approval of new drugs, biologicals, and medical devices to be sold in interstate commerce. Research of this type often presents the greatest need for protection of human subjects.

With the 1981 revisions, the FDA regulations on research involving human subjects have become almost identical to those of 45 CFR Part 46, with one important exception (and several minor ones). The FDA does not require prior agency approval of the composition and procedures of IRBs. Instead, FDA makes site visits ("inspections") to approximately 400 IRBs annually to monitor compliance with the requirements of its regulations. *Routine* inspections include initial inspections and subsequent inspections every 2–3 years for those IRBs found to be in full compliance, or within 2 years for IRBs found to have only minor deficiencies. *Directed* inspections are conducted within 6 months after a routine inspection reveals serious noncompliance with the regulations or when FDA receives information that calls into question the practices of a particular IRB. These site visits are built around the "paper trail" of studies of particular drugs and devices selected by the FDA inspectors. In other words, the performance of the institutions and its IRB are judged on the basis of its documentation of compliance with the regulatory requirements as applied to one or more investigational drugs or devices. (See Appendix B for further description.)

Thus, the FDA does not necessarily know whether an IRB is properly constituted (or even that it exists) unless or until a routine inspection is conducted or some problem arises that triggers an investigation "for cause." (*13*) The site visits do provide FDA with a means of evaluating the performance of IRBs although, as described in Appendix F, both the quality of the inspections and the communications of findings to OPRR deserve further attention.

4. *Other Federal Agencies.* Outside HHS, of the 17 Federal agencies that have adopted the IRB (or similar committee) as a mechanism for assuring the protection of human subjects, 12 report that they rely entirely on an agency review of IRB membership and an assurance of compliance similar to that required by HHS in its approval of institutional assurances (see Table 5). Indeed, six of these agencies require grantees and contractors to have an assurance approved by HHS: the CIA, Department of Commerce, Department of Education, National Highway Traffic Safety Administration (a component of the Department of Transportation), the Environmental Protection Agency, and the National Science Foundation. Eleven accept either as assurance approved by HHS or their own review of IRB composition and procedures, Of these , the Red Cross relies on a system of general assurances, but reports that many of the IRBs have been inspected by the FDA.

TABLE 5.—AGENCY PROCEDURES FOR MONITORING PERFORMANCE OF EXTRAMURAL IRBS

Department or agency	Requires IRB or similar committee	Prior approval of IRB compositions, etc.	Conducts site visits	Notes	
				To monitor	For cause
American National Red Cross.	(1)				Supports no extramural research.
Central Intelligence Agency	●	●	(1)		Site visits are made "where applicable".
Consumer Product Safety Commission.	●	●			Agency must approve all consent forms.
Department of Agriculture	●	●			
Department of Commerce, (Bureau of Standard).	(1)				Supports no extramural research.
Department of Defense					
Army	●	●	(1)		Site visits prior to approving each contract.
Navy	●	●			
Air Force	●	●			
Department of Education	●	●			IRBs are required for contracts but not grants.
Department of Energy	●	●		●	
Department of HHS:					
NIH Grants and Contracts	●	●		●	
FDA-Regulated tests	●		●	●	400 site visits are conducted each year.

TABLE 5.—AGENCY PROCEDURES FOR MONITORING PERFORMANCE OF EXTRAMURAL IRBS—Continued

Department or agency	Requires IRB or similar committee	Prior approval of IRB compositions, etc.	Conducts site visits	Notes	
				To monitor	For cause
Department of Housing and Urban Development.					
Department of Justice:					
Bureau of Prisons	●	●	●		Site visits are made at least once every 2 years.
Office of Justice Assist., Research, and Statistics.					
Dept. of Transportation:					
Coast Guard					
Federal Aviation Admin.					Fed. Air Surg. must approve all research.
Federal Highway Admin.					
Natl. Highway Traffic Safety Administration.	●	●			
Environmental Protection Agency.	●	●			
National Aeronautics and Space Administration.	(1)				IRBs are required only for intramural research.
National Science Foundation	●	●			
U.S. Intl. Development Cooperation Agency.	●	●			
Veterans Administration	●	●	●	●	

[1] See notes.

Six agencies monitor extramural IRBs via procedures that go beyond a review of IRB membership and acceptance of an institution's promises to comply with regulations. The CIA reports that it conducts site visits "where applicable" and that CIA program managers provide continuing review of the conduct of research projects. Within the Department of Justice, the Federal Bureau of Prisons conducts site visits at least once every two years to inspect both IRBs and ongoing research programs; and both the Law Enforcement Assistance Adminisration (LEAA) and the National Institute of Justice monitor research via weekly phone calls and periodic site visits. The Veterans Administration has a system of regular site visits through which the Research Advisory Committee in Washington monitors both IRB performance and the conduct of research at V.A. facilities, and through which IRBs (regional "Human Rights Committees") monitor the conduct of research in the cooperative study programs.

Finally, within the three components of the Department of Defense, intramural IRBs are responsive to a commander who approves all IRB proceedings, and IRBs at institutions receiving Defense Department contracts are subject to review by contracting headquarters. There is no mechanism, however, for systematic monitoring of either the conduct of extramural research or the performance of grantee or contractor IRBs except in the Army, whose Medical Research and Development Command conducts site visits to each contractor prior to approval of the contract. One of the site visitors must be qualified to perform technical review; the other must be qualified "to evaluate the contract as an advocate of the human subjects."

A modest check on IRB performance is provided in some agencies through review of consent forms. At the Consumer Product Safety Commission, consent forms must be approved by the agency prior to initiating research and all signed consent forms are reviewed—and retained—by the agency. Within the Public Health Service, by contrast, routine submission of consent forms to be used in proposed research activities is generally not required. The study sections do not routinely examine consent forms, and OPRR reports that, given the volume of research projects flowing through that Office, it cannot undertake this added function. At one time ADAMHA reviewed all consent forms for research it supported, but this practice has now been curtailed. The lone present exception in HHS arises when the government (most usually, the National Cancer Institute) is acting as a "sponsor" of a drug or device being tested, since the FDA requires all sponsors to review consent forms.

B. *Are IRBs Able to Understand and Fulfill Their Obligations?* This is plainly a time of transition for the IRB system. The National Commission for the Protection of Human Subjects gave careful consideration to the institutional review system and issued recommendations supportive of the basic elements of that system while at the same time seeking to strengthen certain of its important facets. The new regulations, issued by HHS early in 1981, are based substantially on the National Commission's recommendations, and institutions are now at various stages in revising their procedures and negotiating with HHS to accept their assurances of compliance with the regulations. Moreover, HHS is in the process of developing educational materials and conferences to assist IRBs in understanding their responsibilities under the new regulations. Thus, while a new general assessment of the basic institutional review system would be premature, it is appropriate to examine particular problem areas which arose prior to 1981 and appear to be incompletely resolved by the new regulations. Two requirements that seem to pose the greatest difficulty are: (1) continuing review by an IRB of projects it has approved and (2) IRB reporting of adverse affects of serious and continuing noncompliance.

1. *Initial Review.* The IRB study undertaken by the National Commission for the Protection of Human Subjects suggested that IRBs had a fairly good understanding of most of their responsibilities for initial review of research involving human subjects, although 25% of IRB members felt that they, and researchers, needed more information (*i.e.*, better definitions and cleared guidelines) from the Department.(*14*) The recent revisions in the HHS regulations provide more explicit guidance than previously offered as to what constitutes research with human subjects and what categories of such research must be reviewed or, alternatively, need not be reviewed. It remains to be seen how well the new regulations and the planned educational programs will meet the IRBs' needs for further guidance. Many of the most important decisions made by IRBs are matters of interpretation and judgment. These are best left to the IRB, as they are not likely to be improved by ever more detailed regulations.

2. *Continuing Review.* In contrast to the IRB's role in initial review, available information strongly suggests that many IRBs do not understand what is expected in the way of "continuing review" of projects that the IRB has approved. Although continuing review has been required since 1971,(*15*) the survey conducted for the National Commission between July 1, 1974, and June 30, 1975, found that only 20% of IRBs routinely designated members or other representatives to observe the manner in which a research project was being conducted; 63% reported that they never did, and 17% said that they did under certain circumstances. Moreover,

38% of the IRBs reported that in few or none of the proposals they reviewed was there even an understanding that the project would be reviewed again after a specified period of time and 47% seldom or never received copies of interim reports.(*16*)

The problems manifested in these statistics clearly need attention. Some improvement might even occur as part of the current process of negotiating assurances with research institutions, if certain definitional difficulties were overcome. For example, "continuing review" and "annual review" appear in the HHS regulations to refer to separate functions (with distinct purposes and justifications). Yet the regulations do not make clear the meaning of the two terms nor the resulting expectations for institutional behavior.(*17*)

Moreover, anecdotal information received by Commission staff at IRB conferences, and testimony presented to the Commission at hearings in Boston and Los Angeles, indicate the need for better guidance as to the Department's expectations. It appears that few IRBs perform ongoing review of the actual conduct of research; and those that do sometimes meet with resistance.(*18*)

In addition, there is evidence that at least some IRB members disagree among themselves as to the nature of their responsibility to provide continuing review.(*19*) Indeed, some IRBs may even be unaware whether their conclusions and directives are being carried out. For example, in testimony before the Commission a member of one IRB told of her surprise, when her group was called upon to provide an annual reapproval of an ongoing project, to discover that the investigator had been using the consent form found inadequate a year earlier by the IRB rather than the one that they had approved as modified.(*20*) Two Commissions with extensive IRB experience agreed that this is not uncommon.(*21*)

What is known is that, since HHS funding agencies requires certification of IRB approval at least annually, certification is provided for continued HHS funding. This reapproval by the IRS is clearly intended by the Department to be as serious a matter as a project's initial approval; it is to be based on reports from principal investigators as to the progress of their research and its effects on subjects. The Department lacks data on whether or not this responsibility is generally carried out in the intended manner.

Furthermore, beyond this annual review, HHS has not shown that the amount or nature of "continuing review" performed by IRBs has improved since 1975. At the very least, it is apparent that whatever the procedures followed by IRBs they were not sufficient to identify even those cases of alleged misconduct reviewed by the Commission which involved research reviewed and approved by an IRB (with the possible exception of the incidents at UCLA), all of which came to light outside these channels. Thus, the Commission has no basis for judging whether or not the requirement of continuing review is being implemented, aothough it does not doubt that many IRBs are attempting to, and succeeding in, executing this responsibility in a conscientious and even creative fashion.

Within the other Federal agencies, the situation is essentially the same because they follow the HHS regulations and therefore provide no clearer or more detailed direction to their IRBs than is provided by HHS. In highly structured departments, however, some oversight is possible. Thus, the C.I.A. reports that program managers provide continuing review of ongoing research actually being conducted under the Agency's auspices. Similarly, in the Veterans' Administration, the IRBs ("Human Rights Committees") of each of four regional Cooperative Study Coordinating Centers make at least three site visits per year to the various medical centers participating in the cooperative studies. The visits are designed to determine the degree of compliance with, and implementation of, requirements for informed consent an adherence to both the letter and the spirit of guidelines for protecting the rights and welfare of human subjects. During the site visits, IRB members hold discussions with principal investigators and other members of the research team as well as with some of the research subjects. In addition, when deemed appropriate, they review individual medical records. Members or representatives of the V.A.'s Research Advisory Committee (under the direction of the Assistant Chief Medical Director for Research and Development, in Washington) visit the larger V.A. medical centers (those with annual research budgets in excess of $500,000). These site visits look primarily at the administration of the medical center's research and development program, through the operation of Subjects their IRBs ("Human Studies Subcommittees"), the Research and Development Committee, and the Office of the Assistant Chief of Staff for Research and Development.

3. *Reporting Requirements.* The requirement that IRBs report any unanticipated problems involving risk to subjects or to others that arise during the conduct of research was introduced in HHS regulations in 1974.(*22*) The Director of OPRR testified to the Commission that this is interpreted to require reporting only of adverse effects not anticipated by the investigator and thus not reflected in the research proposal and consent documents at the time of initial review.(*23*) The result is that theoretically, at least, one could expand the catalogue of "risks" in advance, and thus reduce the obligation to report harm to subjects, even when some of the risks are so improbable that their manifestation would, in common sense terms, be "unanticipated."

In the review of IRB practices conducted for the National Commission by the Survey Research Center at the University of Michigan during the first year the 1974 regulations were in effect, fewer than half of the IRBs had either a formal or an informal policy with regard to investigators' reporting research-related injuries or harm to subjects to the IRB.(*24*) From data developed during its study of compensation for research injuries, the Commission is aware that present procedures to not lead all events reasonably regarded as adverse effects to be reported. Indeed, only two adverse effects associated with HHS-supported research were apparently reported to OPRR by either IRBs or investigators from 1975–1980. OPRR staff testified that "a small number" of additional reports have been received, through telephone complaints from individuals, most of which "have proved to be unfounded or unverifiable." (*25*) In 1981, a third serious injury was reported in research supported by the Department: "cardiac arrest with successful resuscitation and no permanent damage." (*26*) Thus, both in this interpretation of its regulations and its guidance to IRBs on this point, the Department should encourage more active implementation of the requirement that injuries be reported. The Commission is pleased to note, however, that the regulations issued in 1981 now specify a particular HHS office and address to which reports should be addressed rather than simply "to the Secretary."

Besides specifying the office to which reports ought to be sent, the 1981 revision of the HHS regulations added a new reporting requirement: IRBs must report not only unanticipated problems involving risks to subjects but also any serious or continuing noncompliance with the regulations or with the IRB's determinations.(*27*) The regulations as written, however, appear to contemplate that the responsibility for investigating and reporting rests with the IRB, and the sample assurance promulgated by

OPRR, in describing this provision, states:

For reporting purposes, the IRB will follow the procedures described below:

(1) Any serious or continuing noncompliance by research investigators with the requirements of the IRB—This information shall be reported promptly to the ORA (an administrative office within the research institution to be specified in the new assurances) and OPRR.(*28*)

As encouragement to implement this provision, local institutions require guidance on the meaning of the terms, *i.e.*, whether or not certain behavior is sufficiently serious or continual as to warrant reporting to OPRR and institutional officials. Although no definition of "serious and continuing noncompliance" has yet been provided, OPRR's plan to issue an official commentary to the regulations may meet the IRBs' need for guidance. A review of a random selection of general assurances now on file at HHS suggests, however, that not all IRBs currently have the authority within their institutions to fulfill this obligation. It is also not clear whether all IRBs would have sufficient autonomy to report to HHS any conduct that the institution's administration attempted to conceal if disagreement were to arise on the matter between an IRB and the institution's administration.

The role the IRBs currently have in investigating or resolving reports of misconduct is far from consistent. Indeed, the notion that IRBs *should* have *any* role in such activities has been strongly challenged. In testimony received in Boston and Los Angeles from IRB members as well as from hospital and university administrators, and in papers prepared for and discussions held at a 2-day workshop on the role of the IRB in responding to reports of misconduct, the consistent recommendation was that IRBs *not* be *required* to perform monitoring, investigative or adjudicative functions. Some people stressed that in most institutions IRBs have neither the time, the resources, nor the expertise to discharge such responsibilities. Others added that adoption of such a role would interfere with the primary function of IRBs: to educate and advise research scientists and to resolve problems in a constructive way. Finally, it was pointed out that most hospitals already have quality assurance mechanisms and other investigative and dispute-resolution bodies in place, as do many universities.

Many witnesses and consultants strongly urged that, through a reversal of the chain-of-command-and-information now specified in the regulations, IRBs *be kept informed* of all reports and investigations conducted by other responsible institutional bodies relating to misconduct in research involving human subjects, and that IRBs retain the authority to call for such an investigation when reports of misconduct come to their attention. To make such an arrangement effective, an IRB would, of course, need a defined relationship to the quality assurance committee and its activities. The prevailing view was that the primary responsibility for investigating and resolving complaints *not* be assigned to the IRB.

Among the other Federal agencies that conduct or support research with human subjects, only four indicated that there had been any adverse effects arising in the course of such research: The Bureau of Standards (reporting two injuries,) the Federal Bureau of Prisons (citing one lawsuit in which injury was alleged), the Environmental Protection Agency (reporting one adverse reaction) and the Veterans' Administration. Within both HHS and the Department of Defense, it is possible that adverse reactions are sometimes reported to project officers or others within the Department. However, there is no central office to which all such reports are referred or any other coordinated system for obtaining and recording such information.

Although not themselves free of all problems, the methods and standards of the FDA indicate that more complete and informative reporting is feasible. Regulations governing research subject to FDA regulation require that clinical investigators report unanticipated problems involving risk to subjects to the IRB and also report "any adverse effect which may reasonably be regarded as caused by, or is probably caused by, the new drug" to the sponsor of the research (*e.g.*, the drug company, the National Cancer Institute, etc.). The sponsor, in turn, must investigate promptly and report to the FTA and to all investigators "any findings associated with (the) use of the drug that may suggest significant hazards, contradictions, side-effects, and precautions pertinent to the safety of the drug." The FDA Acting Associate Commissioner for Health Affairs estimates that such reports number in the hundreds.(*29*)

C. *How Do Federal Agencies Respond to Reported or Documented Violations of the Regulations or Other Serious Misconduct of Grantees or Contractors?* The uncertain response at the institutional level to reports of alleged misconduct in Federally funded biomedical research is mirrored by a similarly uneven response at the agency level. The Commission's review of agency policies and procedures in this regard is based upon a study of several widely reported incidents of alleged misconduct and upon a series of questions posed to the heads of departments and agencies that conduct or support research with human subjects.

1. *Case Studies.* A series of allegations of misconduct on the part of principal investigators and/or junior researchers has been widely reported in the press over the last several years. The cases are summarized in Table 6 and described in Appendix F. Having investigated the procedures followed in each instance, including the Federal response to these incidents, the Commission concludes that policies and procedures for a coordinated, timely, and consistent federal response still need to be developed.

Specifically, taken together these cases indicate a need for: (a) Identification of a particular office within each research institution to which reports of alleged misconduct should be directed; (b) clarification of the role of IRBs in responding to allegations of misconduct; (c) clarity about the responsibility of institutional officials to report formal findings of misconduct to the cognizant Federal agencies; (d) better guidelines for the timing and mode of the Federal agencies' response; and (e) better coordination and communication among Federal agencies with respect to investigations of reports of serious misconduct, formal findings of facts, and imposition of sanctions based upon such findings.

2. *Questions Posed to the Secretary, HHS.* On September 18, 1980, after reviewing materials relating to the allegations concerning the University of Kansas and Boston University, the Commission through its Chairman, Morris B. Abram, wrote to Patricia Roberts Harris (then Secretary of HHS) that "if correct, these reports raise serious concerns particularly with respect to implementation of the Department's rules." Mr. Abram asked for copies of any and all reports related to the two incidents. The heart of the Commission's interest lay, however, with several matters of general policy: (a) Whether (or when) it was expected that IRBs and review groups within HHS would be told of serious allegations or findings of misconduct on the part of a scientist whose application for funding is under consideration; (b) the extent of a principal investigator's accountability

for research performed under his direction; (c) the Department's interpretation and application of its regulatory provision that research funds may be withheld from researchers who "fail materially" to protect human subjects; (d) the procedures designed to protect the rights of those who make allegations and those against whom allegations are made; and (e) the effects on human subjects of falsification of research data.

TABLE 6.—SUMMARY OF INSTITUTIONAL AND HHS RESPONSES TO REPORTED INCIDENTS OF RESEARCH FRAUD, ABUSE OR VIOLATION OF REGULATIONS

Became known to university	Became known to HHS	Allegations	University action	HHS action (as of Nov. 30, 1981)
Unknown independent psychiatrist.	FDA Inspections: Apr./May 1978; Hearings; Sept. 26, and Oct. 29, 1979.	Deliberately and consistently violated FDA rules by giving patients potent drugs not approved for human studies; also, unable to provide records and signed consent forms. Repeatedly ignored FDA warnings to comply with regulations.	(Independent researcher; worked at psychiatric research institute. No Insitutional response on record).	FDA disqualified psychiatrist from further studies with investigational new drugs (Nov. 13, 1980). NIH placed name on "alert" list to notify appropriate officials if psychiatrist submits new applications for support. No action taken on institutional grant to research facility of which he is Director.
June 1981 (by letter from National Cancer Institute): M. D. Anderson Hospital and Tumor Institute (University of Texas System Cancer Center).	June 1981—NCI staff member read Journal abstract reporting on work. NCI/NIH conducted investigation and site visit: July 1981.	Administration to human subjects of new drug not approved for human use. Also, failure to obtain approval of IRB and committee on radioactive substances. Inadequate procedures for informed consent.	Following investigation, formally censured researcher and barred him from further involvement in research with human subjects. Also, relieved him of all current responsibilities as principal investigator or co-principal investigator on federal grants and contracts. (Both sanctions are of indefinite duration).	NCI/NIH terminated all work under the researcher's contract (except for two "high priority studies" for which a new principal investigator was named. Also, will bring the misconduct to the attention of NCI Advisory Council if researcher applies for a grant or contract in the next two years. Barred researcher from service on NIH advisory committees or site visits for two years. FDA Inspection is pending.
September 1980 UCLA.	September 1980.....	Physician conducted experimental bone marrow transplants (involving DNA) in Israel and Italy without disclosing to subjects or review committees the use of recombinant materials. The procedures had not been approved by UCLA's IRB or Biosafety Committee.	Following investigation, censured the physician and accepted his resignation as Chief of Hematology and Oncology.	NIH Director appointed ad hoc committee to investigate; then implemented its recommendations: requiring prior NIH review of physician's new grant applications involving human subjects or DNA and forwarding ad hoc committee's report to National Advisory Councils (May 1981). The Council voted to end two grants at the end of the current year and accepted a new prinicipal investigator for a third.
March 1977: (reported by graduate students on research team) University of Kansas.	Reported to Region VII officials in Sept. 1977. Reported to NIH (OPRR) Nov. 4, 1977.	Anthropologist at Univ. of Kansas diverted NSF and HEW funds to research involving human subjects that was not approved by the IRB. Also, used inadequate consent procedures and improper fiscal management.	Jan. 1978, Vice Chancellor for research reported formal finding that the project had not undergone required IRB review and the investigator was "less than candid" when he indicated on an application for research funds that his project did not involve human subjects. Investigator was warned that future violations might result in more severe sanctions.	Inspector General's report is said to have been completed but is not available. NIH investigation of possible violations of human subjects regulations is still in progress. The anthropologist received an additional NIH research grant while the investigation was under way.
June 2, 1978: (reported by members of research team) Boston University Medical Center.	National Cancer Institute notified July 31, 1978.	Principal investigator and team falsified research data in study funded by NCI; entered false information on patients' medical records.	Investigators and members of team forced to resign; also, notified Eastern Cooperative Oncology Group (ECOG) June 14–15, 1978; ECOG investigation resulted in purge of all B.U. data and expulsion of research unit from the study. (November 1978). NOTE.—grievance procedures in university by-laws were followed by B.U. administration.	NCI Director wrote B.U. officials that "NCI cannot intervene in the internal affairs of institutions." (Aug. 8, 1978) Following press accounts in July 1980, NCI Acting Director asked for NIH investigation—which is still in progress. Investigator moved to N.Y. Medical College; received major new NCI grant in 1980.
Early 1979: (Nurses reported to Medical Center's IRB) UCLA.	Dec. 1980 (via press accounts).	Physicians performed experimental bone marrow transplants without IRB approval, sometimes with high doses of drugs also not approved by IRB.	Investigating panel of M.D.s appointed (Aug. 1979); report completed in March 1980; IRB notified of findings in July 1980. Researchers warned that serious violations of rules would result in cutoff of federal funds.	Investigation in process.

In April 1981, HHS Secretary Richard Schweiker replied that the answers to most of the questions about *policy* and *standards* posed by the Commission would depend upon the particulars of a given case. For further guidance, the Secretary referred to the Department's debarment regulations (45 CFR Part 76) issued on October 8, 1980. (*30*) Yet, as earlier noted by Donald Fredrickson (then Director of NIH), those regulations were designed to preclude persons guilty of *fiscal* mismanagement or fraud from receiving further HHS grants or contracts. As written, the regulations do not specifically refer to violations of the regulations governing research with human subjects or to scientific fraud. (*31*) The debarment regulations do provide for notice, formal hearings, and other "due process" protections for individuals accused of fraud and abuse or serious violations of applicable regulations or conditions governing an HHS grant or contract. The procedures set forth in those regulations have yet to be invoked by NIH, however, although at least two scientist accused of violating the human subjects regulations have had their research funds curtailed in the year since those regulations took effect (see Appendix E).

On several subsequent occasions, the Commission inquired of HHS officials about the Department's interpretation of its rules and how one determines what course of action to take in response to allegations of misconduct or formal findings that misconduct has occured. Following Secretary Schweiker's letter referring to the department regulations, the Commission's chairman wrote the Secretary asking for a meeting to explain the Commission's continuing concerns more fully. (*32*) The Secretary declined to have such a meeting at that time but indicated that Charles McCarthy, the official HHS liaison to the Commission would continue to provide assistance. (*33*) The Commission staff, therefore, arranged for Dr. McCarthy to testify at the September 1981 meeting of the Commission in order to fill in certain points that remained unresolved. In a memorandum confirming that agreement, written in order to provide advance notice of the questions to be asked and to focus discussion at the meeting on policy rather than on individual cases, the

issues relating to the Department's debarment procedures were set forth as follows:

Implementation of the Department Regulations (45 CFR Part 76)

a. What are the roles and responsibilities of the various offices at NIH (e.g., OPRR, General Counsel, Associate Director for Extramural Research and Training, etc.) with respect to decisions to initiate debarment proceedings?

b. Who has final authority with respect to such decisions?

c. May suspension of funds or similar sanctions be imposed without invoking the debarment process?

d. If alternative procedures are available, by whom, and according to what standards, are choices made as to which procedure to follow in a particular case?

e. At what point in consideration of debarment will a subject of investigation be formally notified so that he or she may request a hearing under § 76.14(b)?

f. What factors will be considered in deciding when that point has been reached? Who will make the determination?

g. May a grantee institution or principal investigator, who is the subject of an investigation regarding alleged misconduct, request that debarment proceedings be initiated in order to invoke the hearing provisions? (*34*)

Although he had originaly agreed to discuss these matters, Dr. McCarthy notified the Commission on September 1 that he now felt it inappropriate to do so because some investigations were still in process. (*35*) He then agreed to meet with Commission staff to discuss the possibility of a written response. When the written response was delivered to the Commission in mid-November, Dr. McCarthy stated that it would be premature to answer the series of questions about debarment procedures because Secretary Schweiker had by then agreed to a meeting to discuss those issues, among others. (*36*)

On December 3, 1981, Secretary Schweiker, together with the Assistant Secretary for Health, the Assistant Secretary for Planning and Evaluation, and two members of the Executive Secretariat, met with Commission Chairman Abram, and the Executive and Deputy Directors of the Commission. As a result of a full exploration of the issues, the Secretary proposed that the Assistant Secretary for Planning and Evaluation work with senior Commission staff to spell out standards under existing regulations for the Department's response to reports of misconduct that would meet the concerns of the Commission as well as those of HHS and the research community. The Commission welcomes this collaborative effort and fully expects that its next *Biennial Report* will describe the articulation—and implementation—of the relevant policies and procedures.

3. *The FDA's Disqualification Procedures.* The FDA has had disqualification procedures in place for a number of years, and since 1964 has invoked those procedures to disqualify 42 scientists from further research under that agency's jurisdiction for varying periods of time. Twenty-six of those disqualifications occurred within the last five years. (*37*) Serious deficiencies in the conduct of research, including fraudulent reporting of data or noncompliance with regulations for the protection of human subjects, can form the basis of a disqualification proceeding at FDA.

As explained more fully in Appendix E, however, the process of systematic sharing between NIH and FDA of information about scientists who are the subject of an investigation or who have been subject to agency sanctions is not yet fully developed. Active sharing of information regarding formal findings of misconduct with other Federal agencies or with appropriate state licensing bodies or professional societies is limited to a "need to know" basis (*i.e.*, if the investigator was employed by a state or is known to have received NIH support). Thus, although the formal findings following an investigation are publicly available *on request*, only limited efforts are made to alert other organizations that a physician or scientist has been found guilty of serious misconduct in research involving human subjects.

4. *Questions Posed to Other Federal Agencies.* On June 11, 1981, the heads of each of the 18 agencies known to conduct or support research with human subjects were asked to provide a description of:

1. Policies or procedures (formal or informal) by which their agency evaluates or monitors the actual performance of agency or extramural Institutional Review Boards (*e.g.*, reporting requirements, site visits, record reviews);

2. Standards and procedures to guide the investigation of complaints regarding the review or conduct of research involving human subjects;

3. The number and character of any such reports or complaints received in the last 5 years (FY 1976–1980); and

4. The manner in which these complaints were disposed of, the findings that were made, and the sanctions, if any, that were imposed.

As a result of that inquiry, the Commission finds that the situation in the other Federal agencies that conduct or support research with human subjects is virtually identical to that existing at the NIH, insofar as most of those agencies follow the policies and procedures set forth in the HHS regulations (45 CFR Part 46).

Outside of HHS, only five agencies report having received complaints. The Bureau of Standards, within the Department of Commerce, reported two injuries to subjects, the Bureau of Prisons reported one tort action (arising from research supported by the CIA and conducted between 1955 and 1961); the CIA reported the same complaint and one other also arising out of research conducted in the 1950s; the Environmental Protection Agency reported an incident of accidental exposure of subjects to a throat and eye irritant; and the Veterans Administration reported 5 incidents. (See Appendix B for further details.) Of the five complaints noted by the V.A., two proved to be unfounded, two are under investigation, and one resulted in an official reprimand of the principal investigator and his exclusion from further research with human subjects.

Most of the agencies reported that they have no formal procedures for investigating or responding to complaints. The exceptions were the Bureau of Prisons, NASA, the Department of Defense and the VA. At the first two, complaints are referred to the Office of General Counsel for investigation. Within the Department of Defense and the Veterans Administration, complaints are dealt with first at the local level and, if necessary, are referred up through normal channels. Within the VA, complaints made directly to the Office of the Medical Inspector in Washington may be investigated either by a local team or by a team designated for that purpose operating out of the Washington Central Office.

Footnotes

(*1*) *See*, National Commission for the Protection of Human Subjects, *Report and Recommendations: Institutional Review Boards* (hereinafter, *IRB Report*), U.S. Government Printing Office, Washington (1978) at 9–12 (Recommendation 2 and comment).

(*2*) B. Barber, J. J. Lally, J. L. Makarushka and D. Sullivan, *Research on Human Subjects—Problems of Social Control in Medical Experimentation*, Russell Sage Foundation, New York (1973) at 145–48.

(*3*) Although many IRB members may feel uncomfortable with such a description of their role, the reality of their Federal responsibilities cannot be denied. Nonetheless, an IRB is not confined to the functions required by the Federal rules nor need it allow such responsibilities to prevent it from playing a role or *internal* leadership within its institution. Robert Levine has written tellingly of the cost to an IRB's "local

credibility" if it identifies the source of its authority and responsibility as resting outside the institution. Robert J. Levine, *Ethics and Regulation of Clinical Research*, Urban and Schwarzenberg, Baltimore (1981) at 227.

(*4*) Letter from Charles R. McCarthy to Morris B. Abram (May 7, 1980) at 2.

(*5*) See e.g., statement of Charles R. McCarthy at the PRIM&R Conference on "The New Federal Regulations: What They Do and Do Not Regulate," Boston (March 26–27, 1981) at 38.

(*6*) To the extent that the "sample assurance" does go beyond the regulations, questions of a different sort are rasied. The sample is not formulated as a series of issues of administration and structure that OPRR believes ought to be addressed. Rather, it sets forth a structure which—by its very conjunction with many *requirements* of the regulations—HHS seems to expect of an institution. In effect, by including a number of items not covered by the regulations (*e.g.*, the whole concept of an "appeals IRB"; 7 of the 15 elements of "institutional policy" in Sec. I.C. of the "sample" assurances; etc.), the Department appears to adopt policies, principles or rules that have not been subject to the usual process of scrutiny and comment that is necessary in promulgating federal regulations under the Administration Procedure Act. The "sample" assurance notes at several points that facets which have been made up out of whole cloth (*e.g.*, the creation of an "Office of Research Administration" to exercise administrative responsibilities, including some which, under 45 CFR Part 46, appear to rest with the IRB) "will not be appropriate for some institutions and are not required by the HHS regulations." Yet this disclaimer is not provided about many of the amendations to the regulations and, in any event is dissipated by the overall impression created that the model assurance represents the Department's expections. For example, the cover letter informs each institution that "In preparing this sample assurance we have attempted to include all of the elements necessary for compliance with the new regulations."

(*7*) For example, there are many statements of the sort that the institution will act "in accordance with 45 CFR 46.116" or "will comply with the policies set forth in 45 CFR Part 46 Subpart C." The baldest example of the need for an accompanying set of regulations occurs on the very first page (Sec. I.A.2) of OPRR's model assurance: "Only provisions II.A.16; II.B.1.a,b,d,e,f; and III. of this assurance are applicable to the activities listed above if the only involvement of human subjects will be in one or more of the categories exempted or waived under 45 CFR 46.101(b)(15) or 46.101(e)."

(*8*) Letter from Dr. McCarthy to Morris B. Abram (May 7, 1980) at 3; *see also* testimony of Dr. McCarthy, transcript of 2nd meeting of the President's Commission (May 16, 1980) at 81–82.

(*9*) Testimony of Charles MacKay, Deputy Director, OPRR, transcript of 14th meeting of the President's Commission (November 14, 1981) at 320. *See also*, "Response to Request for Comments and Corrections of Biennial Report" (undated, distributed by Dr. McCarthy to members of the Commission and Staff on November 14, 1981) part II at 7.

(*10*) Testimony of Charles McCarthy, transcript of 14th meeting of the President's Commission (November 14, 1981) at 321.

(*11*) Testimony of Dr. McCarthy and Dr. MacKay, 14th meeting of the President's Commission (November 14, 1981) at 333–4.

(*12*) Letter to Commissioners from Dr. Charles McCarthy (December 28, 1981).

(*13*) In a case in which a criminal indictment was recently handed down in Pennsylvania, a scientist allegedly conducted drug research over a period of years without benefit of IRB review. It was only when an FDA reviewer questioned some of the data submitted that an investigation was initiated and it was discovered that the IRB which had purportedly reviewed the protocols had never existed. (*United States v. Levine*, No. 81–203, E.D.Pa., Indictment, July 9, 1981, Count 18(e) at 8.)

(*14*) *IRB Report, supra* note 1, Appendix at I–263 (Table XVII–10).

(*15*) Department of Health, Education and Welfare, Public Health Service, NIH, *The Institutional Guide to DHEW Policy on Protection of Human Subjects*, U.S. Government Printing Office, Washington (December 1, 1971) at 8.

(*16*) *IRB Report, supra* note 1, Appendix at I–207 and at I–44. In fact, 60% of IRBs never received a copy of final reports.

(*17*) 45 CFR 46.103(b)(4) sets forth in separate subsections that an institution's assurance must contain the "written procedures which the IRB will follow" for "conducting its * * * continuing review of research. . ." and for "determining which projects require review more often than annually * * *" 45 CFR 46.109(e) states that an IRB "shall conduct continuing review of research covered by these regulations at intervals appropriate to the degree of risk, but not less the once per year. . ."

(*18*) *See, e.g.*, Erica J. Heath, "The IRB's Monitoring Function: Four Concepts of Monitoring," 1 *IRB*(5) (Aug./Sept. 1979); Testimony of Leonard Glantz and Judith Watkins, Tenth Meeting of the President's Commission, Boston (June 5, 1981); papers prepared for the Workshop on Whistleblowing in Biomedical Research, sponsored by the President's Commission, the AAAS Committee of Scientific Freedom and Resposibility, and Medicine in the Public Interest, Washington, (September 21–22, 1981).

(*19*) Testimony of Leonard Glantz and Judith Watkins, *supra* note 18.

(*20*) Testimony of Judith Watkins, *supra* note 18.

(*21*) Comments of Commissioners Jonsen and Medearis, 15th meeting of the Commission, Washington (December 12, 1981), at 137A.

(*22*) 45 CFR 46.6(d), 39 FR 18914, 18918 (May 30, 1974).

(*23*) Testimony of Charles R. McCarthy, Second Meeting of the President's Commission, Washington (May 16, 1980) at 93–96.

(*24*) *IRB Report, supra* note 1, Appendix at I–35, I–205.

(*25*) Letter from Charles R. McCarthy to Morris B. Abram (May 7, 1980).

(*26*) "Response to Request for Comments and Corrections of Biennial Report" (November 10, 1980); see also chart submitted by Charles R. McCarthy (November 25, 1981).

(*27*) 45 CFR 46.108(c) 46 FR 8366, 8388 (Jan. 26, 1981). Such reports may become the basis for a determination by the Secretary to suspend, terminate or withhold research grants or contracts as provided in 45 CFR 46.123.

(*28*) Sample Assurance issued by OPRR (July 3, 1981 as revised August 11, 1981) at 17.

(*29*) Memorandum from Acting Associate Commissioner for Health Affairs (FDA) to Director, OPRR (NIH) (November 10, 1981) commenting on a preliminary draft of this report on the Protection of Human Subjects.

(*30*) 45 CFR Part 76; 45 FR 67262 (October 8, 1980).

(*31*) Memorandum entitled "Rogues in Science" from the Director, NIH to the Secretary, HHS (August 7, 1981).

(*32*) Letter from Morris B. Abram to Richard S. Schweiker (May 11, 1981); see Appendix F.

(*33*) Letter from Richard S. Schweiker to Morris B. Abram (Aug. 24, 1981); see Appendix F.

(*34*) Memorandum from Deputy Director, President's Commission to NIH Legal Advisor and Director, OPRR (August 17, 1981); see Appendix F.

(*35*) Letter to Barbara Mishkin from Charles R. McCarthy (September 1, 1981); see Appendix F.

(*36*) "These questions overlap with many of the questions answered in Secretary Schweiker's letter of April 15. Since the Secretary has agreed to meet with the Chairman and Commission staff, it would be premature to amplify what was said in the April 15 letter." Letter to Barbara Mishkin from Charles R. McCarthy (November 10, 1981); see Appendix F.

(*37*) FDA list entitled "Investigators Found Ineligible to Receive Investigational New Drugs" (December 7, 1980).

Chapter 4. Activities of the Commission Extending Into 1982

A. *Site Visits to IRBs: An Exploratory Study.* The Commission decided against conducting another study along the lines of the survey of IRB procedures and performance that was conducted under the auspices of the National Commission for the Protection of Human Subjects. The present Commission's resources of time and money made such a study infeasible. Also, since the system is in some flux after the issuance of new regulations in 1981, the value of such a study would be problematic. Most importantly, however, the Commission concluded that a study of IRBs themselves would fall outside its proper focus: the procedures of Federal agencies and their awareness of the implementation of their own rules. Instead, the Commission has begun an empirical exploration of new approach that Federal agencies might employ to develop information about the

implementation of rules for the protection of human subjects. The approach involves site visits to IRBs by teams of experienced IRB members and administrators from other institutions, with the support of the Commission staff.

The Commission's interest in site visits grew from several considerations. First, as has been said, little information currently exists as to how requirements for the protection of human subjects are actually carried out at institutions that receive support for human research from HHS, the largest sponsor of such research. This limitation on existing knowledge has been previously recognized and, indeed, was a factor leading to the National Commission's IRB study. Second, most Federal agencies, including HHS, have no procedures for routinely obtaining such information about IRBs. Third, a new approach for developing such information was proposed by the National Commission, but has not yet been implemented by HHS. Specifically, the National Commission recommended that the then Department of Health, Education, and Welfare carry out "compliance activities, including site visits and audits of Institutional Review Board records, to examine the performance of the Boards and their fulfillment of institutional assurances and regulatory requirements." (*1*) These site visits, said the Commission, should be conducted "routinely" and, in addition to assuring "quality control," should be aimed at "educating, improving performance of IRBs, and providing needed advice." (*2*)

In the Commission's view, this recommendation merits serious consideration. The President's Commission determined that it could play a useful role by specifying the meaning of this recommendation in detailed, operational terms and by exploring on a pilot basis the strengths and weaknesses of this approach. Thus, in late 1981 and early 1982, site visit teams formed by the Commission will visit 10–12 institutions. The sites will be selected for their diversity, and will not be "representatives" in any statistical sense. The purpose of these exploratory site visits will be to learn whether visits of this type would offer a useful way to develop and share information about IRB functioning. Various methods will be explored, including meetings with IRB members, reviewing records, meeting with investigators, and attending IRB meetings. Each site visit team will be made up of three persons who are experienced IRB members or administrators, in addition to a Commission staff member.

The site visits will provide material for a report focusing on the possible processes through which information could regularly be developed by the Federal agencies that sponsor human research about the implementation of their regulations. The report is not envisioned as a critique of IRBs in general or of the specific IRBs visited in particular. Rather, the project is intended to illuminate what can be learned through a process of peer-based site visit and what problems exist with this approach. If the method is successful it might also replace the multiplicitous inspections now performed by Federal entities other than HHS which support research and by the FDA. (*3*)

B. *Guidebook for IRBs.* In 1974, in enacting the National Research Act, Congress directed (then) HEW to provide "a program * * * for clarification and guidance with respect to ethical issues raised in connection with biomedical and behavioral research involving human subjects." (*4*) Very little has been developed thus far, yet it is clear that researchers and IRB members desire help both in understanding the policies and principles that underlie the regulations governing research with human subjects, and in identifying the issues to which one should be sensitive in designing or reviewing research proposals. The Commission has embarked on a project, in collaboration with NIH and FDA, to develop a guidebook for IRBs. A contract was negotiated with a Boston-based organization well-known for sponsoring educational conferences for IRBs throughout the country, to prepare portions of the guidebook under the direction of senior staff of the Commission. Other portions of the book are being developed by NIH/FDA staff.

A draft of the guidebook is under preparation and will be distributed to the Commissioners for review early in 1982. Comments and suggestions from the Commissioners will be incorporated in a final version which should be completed by April 1982.

C. *Consideration of the Extension of Federal Regulations and Review Requirements to Research Not Federally Funded.* In September 1980, the Commission concluded that "extension of HHS regulations to research that is not conducted or supported by the Department should be based upon clearer Congressional and statutory authority than now exists in the ambiguous language of Section 474 of the Public Health Act."(*5*) In communicating this conclusion to HHS Secretary Patricia Roberts Harris (by whom it was adopted), the Commission indicated, however, that it would consider, at some later date, whether to recommend statutorily-mandated IRB review of research with human subjects regardless of source of funding and, should it conclude that such a requirement is advisable, to recommend appropriate Congressional action. Consideration of this topic, along with other issues about the role of the Federal government, through IRBs, in the protection of human subjects, will be taken up in the *Second Biennial Report.*

D. *Possible Consideration of the Definition of "Phase I" Drug Testing in Cancer Chemotherapy.* The recent attention of Congressional committees and the press to informed consent in cancer research has spotlighted a problem regarding early "Phase I" testing of new anti-cancer drugs. The FDA defines the first two stages of drug research as follows:

> Phase I starts when the new drug is first introduced into man—only animal and in vitro data are available—with the purpose of determining human toxicity, metabolism, absorbtion, elimination, and other pharmacological action, preferred route of administration, and safe dosage range; Phase 2 covers the initial trials on a limited number of patients for specific disease control or prophylaxis purposes.(*6*)

In non-cancer studies, Phase I drug tests are usually conducted with healthy volunteers, so that the subject's pathological condition will not interfere with the measurements of the drug's activity in the human body. In such cases, there is no suggestion that the subjects should expect any health benefit from their participation in the research. With cancer drugs, however, toxicity is such that even Phase I tests are usually conducted on persons with cancer, often desperate patients for whom all other possible treatments have proven unavailing.

There is ocnsiderable confusion as to whether Phase I tests of new cancer drugs can be described as "therapeutic" for the patients who will be asked to participate as subjects. IRB members disagree, at times, on this question,(*7*) but cancer researchers have testified that they always have therapeutic intent in Phase I tests of cancer chemotherapy.(*8*) Further, in a recent letter to Representative Henry Waxman (commenting on testimony of the Commission's staff), the Assistant Secretary for Health wrote:

> Nothwithstanding the fact that some individuals within HHS may not concur, the official position of the Department, including

NCI, HIH and FDA, is to regard Phase I trials of anti-cancer drugs as *potentially* therapeutic. The often small, but real possibility of benefit must be weighed against the nearly 100 percent probability of death if experimental therapy is not attempted for the advanced cancer patients who participate in Phase I studies.(9)

At a recent meeting of the HHS Secretary's Task Force on NCI/FDA (Regulations of) INDs (Investigational New Drugs), the Commission's Executive Director and Deputy Director urged that this definitional problem be given serious attention. The contrast between the FDA regulations and Dr. Brandt's statment of the Department's "official position" is striking. Perhaps the classifications or nomenclature of Phase I and 2 should not be applied to research on cancer chemotherapies. More important, attention should be paid to the ambiguity in the term "therapeutic research" as applied to the initial use of new anti-cancer agents in human beings, in research usually designed to test pharmacokinetic and toxioligic matters. Clarity and candor are needed as much of courage, both in the communication between physician-investigators and patient-subjects and in the unflinching self-appraisal by the cancer research community of the personal (as well as the scientific) meaning of such "heroic" experimentation. The Task Force has indicated a willingness to consider these issues and the Commission awaits its report with great interest.

E. *Report on Problems Identified at IRB Workshops.* Senior staff of the Commission will be attending a number of IRB workshops and conferences during the next year. Some of these are under the sponsorship of NIH and FDA; others are being planned by Commission staff to the extent permitted by reduced fiscal resources. If the workshops indicate that IRB members and research administrators have continuing problems understanding or implementing HHS regulations (or those of other Federal agencies), the Commission will consider what remedies might be appropriate.

F. *Informed Consent and Problems of Privacy in the Research Setting.* The Commission will consider, as part of its next *Biennial Report*, whether more needs to be said regarding (a) informed consent and (b) privacy in the research setting. The former will depend largley upon whether HHS (and other Federal agencies) adopt the recommendations of the National Commission regarding research involving children and persons institutionalized as mentally disabled; the special principles and procedures set forth in those reports may prove helpful in resolving some difficult issues that have arisen concerning research with patients suffering from senile dementia of the Alzheimer's type. The second topic (privacy) turns on possible enactment of Federal laws that would add statutory guarantees of confidentiality for individual's medical records.

Footnotes

(1) National Commission for the Protection of Human Subjects, *Report and Recommendations: Institutional Review Boards*, U.S. Government Printing Office (1978) at 10.

(2) *Id.* at 11.

(3) Some hope for success with the peer site visit approach can be derived from the observation of Robert Levine, the long-time chair of the Yale Medical School IRB, on a related phenomenon: Members of IRBs with credibility seem to be invited into the realities of the institution by colleagues who want their advice and assistance in fostering mutual goals. Inspectors without credibility, on the other hand, are shown records (appearances of reality) and then only those to which their access is authorized by regulations. Robert J. Levine, *Ethics and Regulation of Clinical Research*, Urban and Schwarzenberg, Baltimore (1981) at 226 (citations omitted).

(4) Section 474(b) of Part I, title IV, Public Health Service Act.

(5) Letter from Morris B. Abram to Patricia R. Harris (September 18, 1981).

(6) 21 CFR 321.1(a), *see* para. 10(a) of Form FS–1571 described therein.

(7) One IRB member reviewing the protocol for Phase I tests of MHTTF at M.D. Anderson indicated that it was a *therapeutic* research project; another, that it was *nontherapeutic*. *See* IRB review check lists of Alexander Y. M. Wang, Ph.D., and W. W. Sutow, M.D., reflecting their review of protocol DT 78–31 discussed in Chapter 3.

(8) *See* testimony of Drs. Emil Freireich, James F. Holland and John E. Ultmann before a joint hearing of the Subcommittee on Health and the Environment of the Committee on Energy and Commerce, and the Subcommittee on Investigations and Oversight of the Committee on Science and Technology, U.S. House of Representatives (October 27, 1981).

(9) Letter from Edward N. Brandt, Jr., M.D., Assistant Secretary for Health, HHS, to the Honorable Henry A. Waxman, Chairman, Subcommittee on Health and the Environment (November 20, 1981) at 3–4 (emphasis added).

Chapter 5: Recommendations

A. *Recommendations for Improving the Adequacy and Uniformity of Federal Laws and Regulations for the Protection of Human Subjects.* Analysis of the Federal regulations surveyed in Chapter Two reveals that rules governing research with human subjects are now largely uniform among, and within, the agencies. The Commission regards this uniformity as a salutary development for several reasons. First, it facilitates administration, resulting in an easing of the regulatory burden on research institutions. Second, uniformity makes oversight simpler and more efficient; deficiences are more readily identified and improvements have a more pervasive effect.

The survey of the present Federal rules and regulations also reveals, however, small variations among the requirements of the different agencies. Varied regulations for the review of research protocols impose upon local institutions unnecessary complexity and uncertainty in assuring appropriate review. Moreover, since IRBs review protocols prior to submission for funding, at the time of IRB review it is not always clear which agency will ultimately support the proposed research. Also, some research activities are supported by more than one agency. Accordingly, the Commission recommends that several steps be taken to standardize the "core" elements of all governmental regulations that specify basic process and standards for the protection of human subjects. Adoption of these recommendations should provide more simplicity, economy and certainty in the Federal regulation of research with human beings.

1. *The President should, through appropriate action, require that all Federal departments or agencies adopt as a common core the regulations governing research with human subjects issued by the Department of Health and Human Services (codified at 45 CFR Part 46), as periodically amended or revised, while permitting additions needed by any department or agency that are not inconsistent with these core provisions.*

Comment: This recommendation is intended to eliminate unnecessary and confusing regulations and lighten the burden imposed on institutions that conduct human research with Federal funds or subject to Federal supervision.

The regulations of the Department of Health and Human Services already serve as the model for most other Federal agencies and departments that conduct or support research with human subjects. Some Federal entities make explicit reference to 45 CFR Part 46 in their own rules and rely on HHS accreditation of institutions receiving funds from them, while others set out procedural and substantive requirements (*i.e.*, risk/benefit ratio, informed consent) for review and approval of research projects that are similar to the HHS rules.

The Commission on Federal Paperwork acknowledged the

preeminent position that HEW (the predecessor to HHS) has held in the protection of human subjects, and it recommended that the Federal government "speak with one voice" through the Department.(*1*) The present recommendation by the President's Commission is consistent with the findings and conclusions of the Paperwork Commission and with a similar recommendation made three years ago by the National Commission for the Protection of Human Subjects. That Commission recommended that:

> Federal law should be enacted or amended to provide that each institution which sponsors or conducts research involving human subjects that is supported by any Federal department or agency or otherwise subject to Federal regulation, and each Federal department or agency which itself conducts research involving human subjects, shall give assurances satisfactory to the Secretary of Health, Education, and Welfare that all research involving human subjects sponsored or conducted by such institution, or conducted by such department or agency, will be reviewed by and conducted in accordance with the determinations of a review board established and operated in accordance with the regulations promulgated by the Secretary * * *(*2*)

The President's Commission is satisfied that the preeminent role of HHS is deserved. Its leadership rests not only on its role as the major source of Federal funds for health research (as described in Chapter One) but, more importantly, on the attention it has paid to the regulatory issues in this field and to the thoughtful analysis and recommendations concerning its policies and procedures made by the National Commission for the Protection of Human Subjects between 1975 and 1978.

The HHS regulations provide a sensible "core" stating the essential elements for protecting human subjects, specifically: (1) The characteristics of IRBs (including the minimum requisites for their membership), (2) the role of IRBs in providing prior review of research protocols, including their duties and authority in relation to investigators, to their institutions, and to the sponsors of research, and (3) the standards and procedures that should govern IRB decision-making and investigators' behavior. Standardization of these core regulations for research conducted, supported or regulated by all Federal entities would not merely eliminate the need for more than 200 pages of duplicative provisions in the Code of Federal Regulations and departmental directives but would also remove the uncertainty and confusion created for research institutions and their IRBs by minor variations now buried in the regulations of the various Federal entities.

These small differences in rules (about the composition of IRBs, for instance) do not seem intended to lead to different outcomes in the process of reviewing and approving research protocols. The Commission does not believe, for example, that the regulations of any other agency or department on IRB composition promise better protection for the rights of research subjects than that offered by the HHS regulations. Nevertheless, the pursuit of uniformity around a common set of regulations should be a two-way street: Those provisions in other agencies' regulations that vary from the present HHS regulations in wording or in substance should be considered with an open mind. It may be that certain of these variations in procedures or concepts would improve the HHS formulation and ought to be incorporated as part of the "common core" applicable to all agencies. Once this process is completed, not only would the substance of the regulations be improved, but institutions conducting Federally supported research could be certain that in following the HHS regulations, they will be in compliance with the basic requirements of any and all Federal entities that sponsor research.

In addition to the core requirements there may be a few special restrictions that one or another governmental department or agency may need to impose on research to serve a special objective beyond the basic protection of human subjects' rights and well-being. For example, some government entities may have a policy against the use of certain categories of people in research they sponsor. Or their regulatory obligations may necessitate additional information being disclosed to subjects; for example, since the FDA needs to be able to inspect patient records to assure the accuracy or authenticity of data submitted in support of a New Drug Application, the possibility of FDA inspection of those records is an added element in the informed consent requirements for FDA-regulated clinical trials. Additional requirements such as these are acceptable so long as they do not conflict with or confuse the core requirements of the uniform regulations. Moreover, by consolidating *all* agencies' regulations at 45 CFR Part 46 (by means of cross references from those titles of the *Code of Federal Regulations* germane to the activities of the other agencies), any remaining *additions* to the core requirements will be highlighted rather than being hidden amongst a mass of repetitious requirements.

The Commission believes that the President has authority to bring about the necessary coordination and simplification of the rules recommended here. Indeed, the President has just issued an Executive Order which requires seven different agencies (or groups of agencies) that constitute the Intelligence Community to comply with HHS regulations governing research with human subjects.(*3*) Drawing upon this authority, the President could order the initiation of a government-wide process of consolidating the rules that would further the Administration's goal of regulatory reform. The task could be undertaken by an interagency group under the direction of the Office of Management and Budget, with participation by the President's Commission. The support of many of the affected agencies and departments can be anticipated; indeed, the Commission's official liaisons from several agencies have acknowledged the leadership role that they already assign to HHS and that they believe should be encouraged.

A timetable of 180 days should be established by the President to provide an incentive for the interagency group to resolve any remaining questions about the HHS core regulations and identify an initial set of special rules beyond the core that are needed by various departments and agencies. If action is not prompt, the Commission suggests that Congress enact legislation directing the Executive branch to establish by a specified date a uniform set of regulations under a lead agency.

2. *The President should authorize and direct the Secretary of Health and Human Services to designate an office with government-wide jurisdiction to coordinate, monitor and evaluate the implementation of all regulations governing research with human subjects of Federal departments that conduct, support or regulate such research.*

Comment: The central reasons for the first recommendation—a desire to eliminate needless complexity and duplication, and a recognition of the leading role already played by HHS—underlie this recommendation as well. At the moment, the President's Commission has such responsibility on a *study* basis, but the Commission's statutory life is a limited one and it does not have the supervisory duties and powers of a line agency. Further, once the core regulations have been consolidated, a substantial economy for the Federal government would be realized by assigning responsibility for

the review and implementation of the regulations to a single office. For example, it not only wastes Federal funds and personnel but creates needless trouble and expense for a research institution to have the functioning of its IRB monitored separately by each Federal entitiy that has a funding or regulatory role in research conducted at the institution. thus, systematic responsibility for the adequacy of the rules and their implementation ought to be lodged in a single Federal office, and that office ought to be located within the Department of Health and Human Services. Should the Secretary choose to designate an already existing office within NIH of FDA to fulfill this function, the office so designated should be elevated to the level of the Office of the Secretary to emphasize its government-wide supervisory authority.

The existence of a lead office within HHS with coordinating and monitoring responsibilities for the *system* of regulation will relieve the other Federal entities of some of the substantial burdens of oversight and monitoring. Each Federal entity will still have to make its own administrative arrangements for the review of individual research projects. Some may have need for an office to ascertain that attention has been paid in each case to the regulatory requirements and to propose to the director of the agency and to the designated lead office within HHS any special regulations that are particularly appropriate for that entity's activities. Other Federal agencies may find that this function can be adequately executed by existing subunits within the agency that pass upon the scientific or fiscal aspects of grants and contracts. Still others may be involved in so few research projects involving human subjects that their *internal* arrangements for review and approval will involve the establishment of an *ad hoc* committee as needed for each project. All such administrative arrangements should be acceptable under the revised rules and procedures.

3. *Each Federal department or agency should have a comprehensive set of rules and procedures governing research with human subjects that applies consistently to all subunits within the department or agency.*

Comment: If Recommendations 1 and 2 are adopted, this recommendation will not need separate attention, since essential uniformity *within* each Federal entity would be a necessary consequence of uniformity *among all* entities. Unless or until the steps recommended above have been taken, the reasons that led to those recommendations—namely, the pursuit of simplicity, economy and certainty—support the present recommendation even more strongly. Bureaucratic explanations for repetitious regulations peppered with minor variations are if not justifiable at least understandable *between* agencies, but not *within* subunits of a single agency.

Yet as described in Chapter Two, separate component parts within the Departments of Defense, Justice, and Transportation do each have different policies governing research with human subjects. The Defense Department reports that it is in the process of developing a department-wide set of regulations; the Department of Transportation reports likewise, but it gave the same report to the National Commission in 1977.

In addition, two departments have regulations that cover research supported through one administrative mechanism but not through another. The Department of Education requires IRB review for research supported by contracts, but not for grants. NASA requires IRB review for intramural research, but not for extramural research. No reason is offered—or apparent—for the different treatments afforded the different categories of research by these two departments.

The Commission believes that each Federal department or agency should have one set of rules and procedures applicable to all research with human subjects supported by the department. If the rules are sufficiently flexible, they can be applied to all *modalities* of research (*e.g.*, biomedical, behavioral, surveys, questionnaires, record reviews, and so forth). Therefore, the Commission sees no justification for differentiating among funding mechanisms or individual departmental components. This recommendation is made, as a formal matter, under § 1802(b) of the Commission's enabling statute (42 U.S.C. 300v–1(b)) to the Secretaries of Defense, Education, Health and Human Services, Justice and Transportation, and to the Administrator of NASA, for action within the specified time periods.

4. *All Federal departments and agencies that conduct or support research with human subjects should require principal investigators to submit, as part of their annual reports to the IRB and the funding agency, information regarding the number of subjects who participated in each research project as well as the nature and frequency of adverse effects.*

Comment: This recommendation, like the preceding one, is intended for implementation whether or not the full uniformity and centralization of Recommendations 1 and 2 are achieved. In any event, the Commission suggests the reporting requirements recommended here be uniform so that comparable data are available on a government-wide basis. (The timetable established by § 1802(b) of the Commission's authorizing statute applies to this recommendation unless the government-wide task force proposed under Recommendation 1 is at work within 60 days on a uniform set of rules and has published such rules within 180 days thereafter.)

In preparing its report on *Compensating or Research Injuries*, the Commission was disappointed to discover that data on the number of human subjects who participate in Federally funded research are not routinely and systematically compiled. Data regarding the incidence and severity of injuries that occur in such research are also not collected. The inability to obtain such information was one of the most frustrating aspects of the Commission's attempt to determine whether a program to compensate individuals for injuries resulting from their participation in research is needed. Federally funded investigators are already required (under the terms of their grants and contracts) to report on their projects at least once a year. A requirement that they note in such reports the numbers of subjects and of injuries during the period in question would add only a trivial burden while yielding a large benefit.

The Commission recommends that copies of such reports be collected and reviewed by the IRB at the institution in which the research is conducted and then forwarded to a specified office within the funding agency to be collated. Those with oversight responsibility for human research—at Congressional, Presidential or Departmental level—will then be able to obtain information about the number of human subjects and the number of injuries from each Federal agency supporting research with human subjects as well as from each institution conducting such research with Federal funds. This information seems the minimum necessary for public accountability regarding such an important and sensitive enterprise as collectively supported research with human beings.

The Commission is aware of the difficulty of defining injuries or adverse effects in a way that will avoid massive reporting of trivia but at the same time

encourage the reporting of significant problems. The Commission notes, however, that several institutions with insurance programs have found means of categorizing harmful effects and that the Veterans Administration has recently implemented a reporting requirement along the lines recommended here. Its initial experience points to some administrative difficulties needing further attention, both by the V.A. and by other Federal entities implementing this recommendation. Concurrent with such implementation, the Commission suggests that the agencies (ideally, with coordination by the designated "lead office") work together to resolve any remaining definitional problems (*e.g.*, determining whether *under-* or *over-*reporting occurs if transient effects such as mild to moderate headache, nausea, and the like are not reported unless they persist so long as to interfere with the subject's normal activities; determining the extent to which injuries caused by the research process can be distinguished from those caused by the treatment being tested or by the subjects' disease or condition; etc.). A certain amount of trial and error may be necessary before the optimal definition is developed; nevertheless, refinements and adjustments can be made over time. It is important to make a beginning.

5. *The Department of Health and Human Services and all other relevant Federal departments and agencies should proceed promptly to take action on the National Commission's recommendations concerning research involving children and research involving those institutionalized as mentally disabled, and other Federal agencies should also act on the final regulations of HHS governing such research.*

Comment: It is now four years since the National Commission for the Protection of Human Subjects transmitted to the Secretary, HEW, its recommendations concerning research involving children and research involving those institutionalized as mentally disabled.(*4*) Those recommendations address a very complex and sensitive topic: Research with subjects who are unable to give legally valid consent to their own participation. The subject is complicated because state law on "proxy consent" is not well developed or clear. The procedures and standards recommended by the National Commission were intended to provide greater protection for children and the mentally disabled than exists under the basic HHS rules. Under current regulations, children and the mentally disabled may be enrolled in research even over their express objections on the basis of parental or guardian consent. Ironically, since the National Commission's recommendations would erect special protections, their adoption might actually facilitate research, since scrupulous compliance with their terms might lay to rest concerns over the status of "proxy consent" in research under the common law.

The legislation that created that Commission required the Secretary to publish those recommendations within 60 days of receipt, and to publish the Department's response (in the form of proposed rulemaking) within the next 180 days.(*5*) Although no deadline for implementation of final regulations was set forth in the National Commission's enabling legislation, the President's Commission is certain that Congress anticipated an orderly and expeditious proceeding. Surely, it did not contemplate that the Department would prolong its rulemaking over a period of years.

The President's Commission agrees with the National Commission about the importance of pediatric research and of research to prevent or alleviate serious cognitive and emotional disorders. This Commission also shares the concerns of the National Commission that the subjects of such research be properly protected. The Commission concludes, therefore, that the time is long past for action, either by adoption, rejection or modification of the National Commission's recommendations. This recommendation, like Recommendations 3 and 4, is made pursuant ot § 1802(b) of the President's Commission's authorizing legislation, to the Secretary of Health and Human Services, and to the heads of all other Federal entities that conduct or support research with children or institutionalized mental patients. Within 60 days, this recommendation shall be published by each agency, and each agency is then obliged within 180 days to act upon the recommendation, favorably or unfavorably, and to announce its disposition and reasons. The President's Commission would regard this requirement to be met by a *single* publication in the **Federal Register** if the government-wide task force proposed under Recommendation 1 is at work on establishing a uniform set of rules and regulations by 60 days from the date of this Report and has published proposed uniform regulations within 180 days thereafter. Plainly, such unified action would avoid adding to the needless duplication that already characterizes regulations in this field.

6. *Congress should attach the following condition to any direct appropriations for "private" research entities: "No funds appropriated under this Act may be used, directly or indirectly, to support research involving human subjects unless such research is reviewed and conducted in compliance with either (1) appropriate regulations of (the disbursing agency) or (2) the regulations of the Department of Health and Human Services (45 CFR Part (46)."*

Comment: It has come to the Commission's attention that Federal monies are appropriated to organizations that are established as private, non-profit corporations. In the case of the Gorgas Memorial Institute of Tropical and Preventive Medicine, Inc., which conducts research on tropical and other diseases in Panama, the funds are disbursed through the Fogarty International Center at the NIH, but the Fogarty Center lacks authority to require the Gorgas Institute to follow the rules on the protection of human subjects that attach to other research that receives funds from NIH. In the absence of specific legislation, such recipients of direct appropriations are not required to comply with any regulations governing research with human subjects.

The Commission recommends that Congress attach conditions to its appropriations that would require compliance with regulations for the protection of human subjects participating in research supported by those funds. As noted above, the Commission would prefer to see a uniform standard applied to all research supported by Federal monies; if this is to be accomplished, private organizations receiving "line item" appropriations should have to comply with the designated standard. Even if uniformity of regulations among agencies is not achieved, however, the Commission recommends as an alternative that Congress require such entities to comply with the regulations of either HHS or of the disbursing agency, if other than HHS.

B. *Recommendations for Improving Institutional and Federal Oversight of Research and the Response to Reports of Misconduct.* As discussed in Chapters One and Three of this *Biennial Report*, the Commission has concentrated its efforts regarding Federal regulations for the protection of human subjects on scrutinizing the adequacy of Federal oversight and the *implementation* of the regulations. Several recommendations on implementation and Federal compliance activities are made in this

Report pursuant to § 1802(b) of the Commission's statute; the process of review is ongoing and further recommendations may be forthcoming in the next *Biennial Report.*

Examining the implementation of the present regulations has, moreover, revealed certain problems with those regulations themselves. These problems emerged through the Commission's hearings on, and studies of, instances of alleged fraud or abuse in research involving human subjects. The few cases of alleged misconduct examined by the Commission should not be regarded as grounds for indicting the research enterprise in general or the IRB system in particular. Rather, the cases demonstrate the need for an oversight process that would provide the systematic data necessary to place the "problem cases" in context and to justify the confidence generally expressed regarding the present system. Furthermore, the cases bring to the fore basic questions about the role and functions of IRBs, questions that will be the subject of further study by the President's Commission during the preparation of its next *Biennial Report.*

For the moment, the Commission has identified several aspects of institutional responsibility in need of clarification in the HHS regulations (which, it is assumed, will soon have even broader applicability as the formal basis for government-wide standards). These matters are addressed in Recommendations 7 and 8.

7. 45 CFR 46.103, which specifies the minimum requirements for an institutional assurance, should be amended by inserting two new clauses under (b):

(5) The designation of a specific office within the institution that will be responsible for: (i) receiving reports of alleged misconduct in research involving human subjects; (ii) investigating promptly and fairly; and (iii) reporting formal findings of misconduct both to the institution's IRB which approved the research and to the Secretary.[1] The institutional office so designated need not be created specifically for this purpose but may be the relevant IRB itself or another existing office already having responsibility for quality assurance within the institution. Such office shall report all ongoing investigations of alleged research misconduct involving human subjects as well as formal findings to the IRB, and shall consult with the IRB on all matters relating to the conduct of research with human subjects.

(6) Written procedures for insuring prompt reporting to designated institutional officials, and by them to the Secretary, of the results of any investigation or inquiries carried out under the preceding subsection or under § 46.108(c) that reveal research misconduct or serious or continuing noncompliance with Federal or institutional requirements for the protection of human subjects.

Note.—Footnote 1 in the existing 45 CFR Part 46 specifies the Office for Protection from Research Risks as the place where reports should be filed within the Department.

Comment: Recommendation 7 is closely related to Recommendation 8. Taken together, the two recommendations seek to clarify the roles and responsibility of IRBs and other offices within research institutions in assuring compliance with Federal regulations. Detailed commentary follows Recommendation 8.

8. 45 CFR 46.108(c) should be revised to read as follows:

(In order to fulfill the requirements of these regulations, each IRB shall)* * *

(c) Be responsible for reporting to the appropriate institutional officials any serious or continuing noncompliance by investigators with the requirements and determinations of the IRB, or with the provisions of these regulations, or with good research practices, that is revealed during the IRB's continuing or annual review of research or through reports made directly to a member of the IRB or its staff.

(d) Establish procedures for receiving and acting upon findings of misconduct in research involving human subjects, made by the office designated pursuant to § 46.103(b)(5).

Comment: These two recommendations will add language to the HHS regulations, but they will actually simplify those regulations by making clear that institutions may employ a variety of internal arrangements to deal with alleged misconduct by researchers. These proposals result from the Commission's reexamination of the HHS rules with an eye toward the great diversity of institutional structures and administrative procedures to be found in universities, hospitals and other research institutions.

As written, the HHS regulations appear to place on the IRB responsibility for investigation and adjudication of all questions or allegations that arise about research with human beings. The regulations also appear to require that IRBs communicate their findings directly to the Department rather than through normal internal channels at their institutions. In some (perhaps most) institutions, however, the IRB may not be the body best suited, by tradition, knowledge or institutional role, to perform these functions. The Commission received forceful testimony from IRB members at several research centers as well as from institutional officials and invited consultants that IRBs should not perform monitoring, investigative, or adjudicative functions.(6) In their view, such responsibilities would interfere with the primary role of IRBs: to educate and advise research scientists regarding their obligations toward human subjects and to resolve problems in a constructive manner. The Commission notes that most research institutions already have established appropriate quality assurance mechanisms and that efficient management would be impaired by splitting such duties between two offices.

Yet, as part of their responsibility to maintain "continuing review" of research projects they have approved (§ 46.109(e)), IRB members do need to know of any findings of misconduct. Therefore, rather than being "responsible for reporting *to* appropriate institutional officials" about violations of relevant rules (§ 46.108(c), emphasis added), at most institutions the IRB should be one body *to which* others (who are responsible for investigating and adjudicating) communicate the results of their investigations.

Relatively few incidents serious enough to warrant full-scale investigation and adjudication are expected to occur in human research that has undergone advance review and approval. To resolve such matters, it is expected that most institutions will choose to rely on an already existing body. Only under exceptional circumstances will a special office or committee need to be created within an institution's research administration to handle these functions. Flexibility in format may be retained by *designating* a particular official (such as "the Vice-President for Research"), who can fulfill his or her responsibilities by calling upon any standing or *ad hoc* committee that would be appropriate in light of a specific problem. In any case, the duty ought to be that of the *institution* itself (under § 46.103), but need not necessarily be lodged with the IRB (under § 46.108), although an IRB is not precluded from this role under the Commission's recommended amendment to § 46.103.

The Commission therefore recommends that HHS clarify its regulations to make explicit that the investigation and adjudication of alleged misconduct may be conducted by those offices already charged with such responsibilities. Representatives of the Department have assured the Commission that this is the intent of the regulations and that assurances reflecting such institutional arrangements are acceptable.

The details of process and procedure need not be recited in the institution's

assurance with HHS, but they do deserve advance thought and planning by the institution. Experience is a great teacher, but preparation can provide certainty and a better chance for order and fairness. Thus, the assurance should guarantee that whatever mechanism the institution chooses will be able to provide: (i) A prompt investigation; (ii) an impartial adjudicating body; (iii) full opportunity for the complaning parties and the accused to explain their positions, present evidence, call witnesses, etc.; and (iv) protection from institutional reprisals for good faith complainants and witnesses.

Every effort should be made to encourage institutional personnel to report problems through internal channels. The responsible office should not only be identified in the institution's written assurance but should also be announced to all research personnel and subjects (*e.g.*, by a statement on the consent form giving the name of a responsible official to contact in the case of problems). The use of internal channels will also be encouraged if institutions protect those who report in good faith, resolve problems informally to the extent possible, and impose appropriate disciplinary measures for serious acts of misconduct. Procedures to protect against institutional reprisals should also be publicized and all staff should be made aware of their obligation to assist the administration in upholding high standards of conduct.

Whenever the body responsible for resolving allegations of misconduct is *not* the IRB, the institution's assurance ought also to guarantee at least that the IRB will be kept informed and consulted regarding any alleged misconduct that involves or may affect human research subjects. The institution must assure the Department that the latter will be notified of any relevant findings. Serious misconduct should be reported to the cognizant Federal agency, once a formal determination has been made. Administrators and investigators receiving Federal funds should understand that they have a legal obligation to do so and that knowing provision of false information to the Federal government is a felony. If an institution makes a formal finding that false information has been contained in a grant application, annual report, or data submitted to a regulatory agency, the institution may incur criminal liability if officials fail to report such a finding. Although an IRB should not officially be placed, as a body, in the awkward position of being a (toothless) watchdog for laxity on the part of superior officials within an institution, neither the regulations nor institutional rules should preclude the IRB (or individual members) from making reports directly to the Department if required under unusual circumstances.

Education and attitude can play a large part in encouraging adherence to professional norms and standards. Federal administrators can aid this process by giving more precise meaning to phrases such as "material failure to protect human subjects" and by spelling out the standards governing the imposition of sanctions (issues about which the Commission is continuing to hold discussions with HHS officials). Institutional administrators can establish a clear commitment to upholding professional standards and enforcing Federal regulation by taking reports of problems seriously and by acting promptly and fairly to resolve complaints.

Professional societies and state licensing boards can also encourage adherence to scientific norms and compliance with Federal regulations governing research with human subjects. The principle of adhering to legal and regulatory requirements, like adherence to basic ethical norms, has been endorsed by many bodies in professions that conduct human research. These principles also deserve to be highlighted in professional codes of ethics and/or in the official commetary on such codes. More attention should be devoted to ethical and regulatory standards for human research as part of post-doctoral training in clinical investigation. Clear actions of this sort would provide a warning to all that misconduct in research may be a basis for disciplinary action by professional societies and specialty boards and even by state licensing boards.

9. *Federal departments and agencies should establish government-wide procedures for making determinations on suspension and debarment of grantees and contractors alleged to have engaged in misconduct in Federally supported research with human subjects. Final determinations and sanctions imposed should be entered onto a consolidated list of individuals and made known to all Federal agencies involved with human research, to state licensing boards, and to appropriate professional societies.*

Comment: The immediate cause for concern is the apparent need for NIH and FDA to clarify standards and procedures for response to reports of misconduct in research under their jurisdiction. All Federal entities should work together, under the lead of the newly designated "lead office" in HHS, as proposed in Recommendations 1 and 2 above, to formulate and apply a uniform set of standards for the investigation of incidents in which any agency has a regulatory interest. Procedures to protect both those who are accused and those who make good faith reports of misconduct should be developed and made known to all agency staff who might receive such reports or participate in the subsequent investigation. Gradations in penalty—from a temporary suspension of grant support to a lengthy debarment from all Federal research activities—will be needed to reflect differences in the degree of an investigator's culpability. Consideration should also be given to methods for "rehabilitation" of a researcher or institution and for expungement of the record.

Currently, an indvidual who is debarred or suspended by one Federal agency from receiving further grants and/or contracts remains eligible to receive research funds from other Federal agencies. Indeed, the other agencies may not have any knowledge of the administrative sanctions imposed by the first. The Commission believes that any investigator found to have failed to protect human subjects or otherwise seriously violated the conditions of a research grant from one agency should not be eligible to receive Federal support for the same, or similar, research from other agencies for an appropriate period of time. The mechanism recommended would provide an efficient and fair procedure for assuring that scientists cannot go "forum shopping" for more lax or lenient agencies once a final administrative finding of misconduct has been made. It would also provide assurance that such findings would be made only after the accused scientist has been afforded adequate notice of the charges and an opportunity to answer those charges at an administrative hearing, with representation by counsel and an opportunity to present evidence (see Appendix G).

Formal determinations should also be actively shared with appropriate state licensing boards and national organizations such as professional societies and pharamaceutical manufacturing associations. Although such information is currently available on request, no attempt is made to forward reports to other agencies or boards unless a specific request is made.

Footnotes

(*1*) *Commission on Federal Paperwork Education*, U.S. Government Printing Office, Washington (1977), Recommendation 9 at 41.

(2) National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, *Report and Recommendations: Institutional Review Boards*, U.S. Government Printing Office, Washington (1978), Recommendation (1)(B) at 3.

(3) Executive Order 12333 (December 4, 1981) applies to all members of the Intelligence Community, which is defined (in § 3.4(f)) as including: (1) The Central Intelligence Agency; (2) the National Security Agency; (3) the Defense Intelligence Agency; (4) the Offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs; (5) the Bureau of Intelligence and Research of the Department of State; (6) the intelligence elements of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation, the Department of the Treasury, and the Department of Energy; and (7) the staff elements of the Director of Central Intelligence.

(4) National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, *Report and Recommendations: Research Involving Children*, U.S. Government Printing Office, Washington (1977); National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, *Report and Recommendations: Research Involving Those Institutionalized as Mentally Infirm*, U.S. Government Printing Office, Washington (1978).

Specifically, both children (age 7 and over) and the mentally disabled would be given an explanation of the proposed procedures geared to their level of understanding and, if the research presented no likelihood of benefit to them, would have an opportunity to assent or refuse to participate. In addition, research presenting more than minimal risk and no likelihood of benefit to the subjects would be permitted to involve children or the mentally disabled if: (a) The risk is no more than a minor increase over minimal; (b) the research is relevant to the subjects' condition; and (c) the research holds out the promise of significant benefit in the future to either the subject or others with similar disorders or conditions. Finally, the National Commission recommended review at a national level (with opportunity for public participation) of proposed research that would present more than a minor increment of risk and no anticipated benefit to children or the mentally disabled but may be of major significance to the solution of a serious health problem affecting persons similarly situated. As noted earlier, action on these recommendations might clear the way for important research on severely disabling conditions such as senile dementia of the Alzheimer's type.

(5) National Research Act, Pub. L. 93348, § 205 (1974).

(6) Erica Heath has suggested several types of "monitoring" activities carried out by IRBs: (1) Periodic reappraisal of an on-going project based upon review of documents prepared by the investigator; (2) review of the actual consent process; (3) review to ascertain that the investigator is adhering to the protocol; and (4) oversight in an institution to identify unapproved research. Erica J. Heath, "The IRBs Monitoring Function: Four Concepts of Monitoring," 1 *IRB* 1–3 (Aug./Sept. 1979). Dr. Levine raises provocative questions about the "field work" by IRB members entailed in the last three classes of activities. Robert J. Levine, *Ethics and Regulation of Clinical Research*, Urban & Schwarzenberg, Baltimore (1981) at 231–33.

Appendices

A. Regulations of the Department of Health and Human Services Governing Research With Human Subjects (45 CFR Part 46.)

B. Summaries of Federal Agencies' Rules and Procedures Governing Research With Human Subjects.

C. List of Agencies Included in Commission's 1980 Survey.

D. Correspondence with the Secretary, HHS Regarding Amendments to the Department's Rules Governing Research With Human Subjects.

E. Case Studies: Five Incidents of Alleged Misconduct in Biomedical Research.

F. Correspondence with HHS Officials Regarding Procedures for Responding to Reports of Misconduct.

G. HHS Debarment Regulations and Related Rules Governing Suspension and Revocation of Grants and Contracts.

H. Correspondence with the Deputy Director, Office of Management and Budget.

I. Witnesses Who Testified at Commission Hearings.

J. Participants in the Workshop on Whistleblowing in Biomedical Research.

Note.—In order to avoid excessive duplication, only Appendix E is reproduced in this prepublication copy of the Report. All appendices will appear in the published version. For further information, please contact Andrew Burness, Public Information Officer, at (202) 653–8051.

Case Studies: Five Incidents of Alleged Misconduct in Biomedical Research

During 1980 and 1981, a number of incidents of alleged misconduct in the performance of Federally regulated research received national attention in the press. Using the press accounts as a point of departure, Commission staff assembled copies of original documents from which to piece together a description of five such incidents. (Copies of all documents cited in the footnotes are retained in the Commission's files.) In one or two instances, where the *absence* of a specific procedure seemed important and the documents (although suggestive) lacked precision, the matter was confirmed by telephone conversation both with the pertinent Federal officials and with other persons involved in the matter. As the material makes clear, some of the cases have been through the entire process of HHS investigation and imposition of sanctions; other cases are still under investigation. They are recounted here for the light they may shed on local and Federal oversight processes (as discussed in Chapters Three and Five) and not as a basis for drawing any adverse conclusions about research or the IRB as a means for its regulation.

1. *Boston University.* In June 1978, junior members of a research team in the oncology unit of Boston University Medical Center reported to hospital administrators that data had been falsified both in research reports and on individual patients' medical records. They also alleged that there had been violations of HEW rules on IRB review and informed consent. Within two weeks, hospital adminstrators had convened an ad hoc investigative committee, received its reports, and initiated procedures to remove the principal investigator from its staff. They also alerted the funding agency (the National Cancer Institute) and the collaborative oncology group to which data from the research unit were submitted. In July, officials from the B.U. Medical Center met with high level staff at the Cancer Institute to provide further information on the incident, but were told that NCI "Cannot intervene in the internal affairs of institutions, or pass judgment on individuals, in situations in which we are not directly involved."(1)

Approximately six months later, in January 1979, the Cancer Institute approved and encumbered research funds in the amount of $1 million for the principal investigator of the B.U. Medical Center Project who by then had taken a position at a medical center in New York. None of the review groups at NIH that approved the subsequent research grant were told of the charges against the principal investigator. Two years later, after a five-day series of articles on the incident was published in the *Boston Globe*,(2) the Cancer Institute requested an investigation of the matter by the NIH Division of Managament Survey and Review.(3) That investigation is still in progress, as is a parallel investigation initiated the same month by OPRR.

2. *University of Kansas.* In March 1977, two graduate students in the anthropology department at the University of Kansas lodged a series of complaints against a professor with whom they had worked, alleging that venepuncture and genetic counseling had been performed in a project in Central America by anthropologists and graduate students who lacked proper training for such activities. They further alleged that consent procedures were inadequate and that Federal funds had been misappropriated. The Vice Chancellor for Research and Graduate

Studies at Kansas found many of the charges to be insubstantiated, but also found that the principal investigator had embarked on the research without the necessary IRB review and approval, in violation of university rules as well as applicable Federal regulations. A formal letter of warning was issued to the principal investigator, but no sanctions were imposed and no reports were made to the cognizant Federal agencies.

The graduate students, dissatisfied with the university's disposition of the matter, formally complained to the then Department of Health, Education and Welfare in September 1977, as well as to several professional societies, including the American Anthropological Association. The Executive Board of that Association considered a report of a special *ad hoc* Committee of Inquiry in April 1980 and concluded "that there are no grounds for action under the Principles of Professional Responsibility."(*4*) Here, as in the Boston University case, the principal investigator subsequently received additional HHS research funds. The Department's investigation into the matter is still in progress.

In both incidents, those who reported the alleged misconduct have fared badly. At Boston University, the junior members of the research team were dismissed along with the principal investigators when the project was halted and a multi-million dollar suit has been filed by the principal investigator against some of them for tortious interference with contractual relations. At the University of Kansas, adverse actions were taken with respect to the graduate students' academic standing. (The students and the administration differ as to the basis of those actions.) A million dollar suit for slander and libel was also filed in Kansas against the graduate students, their lawyers, and others who assisted them in pursuing their complaints. It is not clear whether the investigations under way at HHS will be completed in time for the findings to be introduced as evidence in any of the pending litigation.

3. *FDA Disqualification of Dr. Nathan Kline.* On November 13, 1980, the Food and Drug Administration (FDA) disqualified New York psychiatrist Nathan Kline from further drug testing on human subjects.(*5*) This action followed hearings in September and October 1979, which were held as a result of an inspection of Dr. Kline's activities in April and May 1978. The disqualification was based upon Kline's persistent and deliberate violations of FDA rules by giving patients potent drugs not approved for human studies. There were also serious breaches of rules on informed consent and on record keeping. The FDA Commissioner concluded that Dr. Klines's action adversely affected the safety of his subjects and therefore formally disqualified Dr. Kline from further investigational drug studies over which FDA has regulatory authority.

The Commission subsequently inquired of OPRR about the effect Dr. Kline's FDA disqualification would have on his eligibility to receive NIH grants or contracts. Specifically Section 76.10 of the HHS debarment regulations promulgated in 1980 applies only to "serious violation of the applicable statutes, regulations, or other terms and conditions of a *previous award of financial assistance*" or to "debarment from Government *contracting, subcontracting or financial assistance* by a Government agency (including an agency within HHS)." Therefore, it is not apparent whether debarment from activities under Federal *regulation* (*e.g.*, by FDA) would necessarily be interpreted as cause for debarment under Section 76.10.(*6*)

In reply, Dr. McCarthy, OPRR's director, reported that his office had been alerted by FDA about Dr. Kline's formal disqualification (some four or more months after the determination had been reached) and had placed his name on an "alert" system so that appropriate NIH officials would be notified if any applications for research grants or contracts are received from Dr. Kline in the future.(*7*) (It does not appear that the "alert" system is specified in an HHS regulations, so that the Commission is unable to evaluate the appropriateness of the criteria employed for a person's inclusion nor for the sanctions, if any, that are imposed on those included.)

Dr. McCarthy further reported that Dr. Kline currently had no research support from either NIH or ADAMHA (the Alcohol, Drug Abuse, and Mental Health Administration) and that the FDA disqualification would not automatically result in NIH debarment or even in the initiation of debarment proceedings. Instead, NIH would take the reasons for the FDA disqualification into account "along with all other pertinent information" in considering whether to initiate debarment proceedings.(*8*) Although it is technically correct that there are no NIH or ADAMHA research grants to Dr. Kline as principal investigator, there is—apparently unbeknownst to OPRR—an NIH Biomedical Research Support Grant to Rockland Research Institute which lists Dr. Kline as the Program Director.(*9*) The most recent award under that grant (now in its 15th year) was in the amount of $36,174 covering a period from April 1, 1981 through March 31, 1982. Dr. Kline is member of an 8–person committee at Rockland Research Institute that decides how the money will be allocated.(*10*) For a person "disqualified" by the FDA, the consequence in terms of research support from HHS may be both more and less than one would gather from the regulations.

4. *UCLA Medical Center.* Early in 1979, a group of nurses complained to the IRB at the UCLA Medical Center that physicians had been performing experimental bone marrow transplants without IRB approval. Although it is not entirely clear to what extent the transplants and accompanying chemotherapy were innovative, "last-ditch" therapies for seriously ill patients, and to what extent they constituted "research," UCLA rules require review of all such activities by the IRB (known at UCLA as the Human Subjects Protection Committee). In fact, in a letter to the Commission staff, Dr. Sherman Mellinkoff, the Dean of the Medical School, reported that: "the investigators * * * made a misjudgment when they altered the protocol for the treatment *in vitro* of bone marrow obtained for patients in remission prior to its reinfusion into the patient from whom it had been obtained."(*11*)

Dr. Mellinkoff further reported that as a result of an inquiry by a panel of physicians appointed by the administration of the medical center, the researchers "were told that the university's policy was to follow precisely the regulations related to human subjects protection * * * [and] that serious violations of these regulations would require us to request that the funding agencies withdraw their support." Dr. Mellinkoff further noted that "since (then-applicable) Federal regulations do not require reporting of an inquiry or warning by a university to its researchers and since no patient had been endangered by the change in protocol, the funding sources were not notified." (*12*)

Nevertheless, one of the UCLA physicians working on experimental bone marrow transplantation, subsequently became the first biomedical investigator formally sanctioned by NIH for violations of human subjects regulations in research supported by HHS. These sanctions resulted from another experiment in which patients in Israel and Italy were treated with altered bone marrow in violation of applicable rules governing

both the use of recombinant DNA techniques and the protection of human subjects.(*13*) Specifically, Dr. Martin J. Cline failed to disclose to the IRB at Hadassah Hospital in Israel, or to the patients in Israel and Italy, that the bone marrow transplants would contain recombinant DNA material (*14*) despite the fact that the review board at Hadassah went to considerable lengths to verify that the procedure would *not* involve recombinant DNA.(*15*) (There are no review committees in Italy comparable to IRBs.(*16*)) Moreover, the procedures he used were the same as those submitted to the IRB at UCLA in May 1979 and disapproved on July 16, 1980, after four outside consultants all advised that more animal studies should be conducted prior to human experimentation.(*17*)

The UCLA "general assurance" with HHS specifically states that all research performed by UCLA employees (even if performed elsewhere) must be reviewed by an IRB at the collaborating institution; and UCLA must receive a report of that review.(*18*) Although no NIH funds were used to perform the studies abroad, or to pay the cost of the trip, the materials used in Israel and Italy were prepared at UCLA as part of research supported by NIH.(*19*)

The Office for Protection from Research Risks at NIH first became aware of the possibility that Dr. Cline had performed research using recombinant DNA and in violation of NIH rules in September 1980. Following a letter from the NIH Director to the UCLA Chancellor, and the Chancellor's reply, the Director established an ad hoc committee to consider the report from UCLA, determine whether NIH regulations had been violated, and recommend appropriate action. Meanwhile Dr. Cline's resignation from his position as Chief of Hematology and Oncology was accepted by the UCLA Chancellor and the Medical School Dean as appropriate under the circumstances.

The NIH ad hoc committee reported in May 1981 that Dr. Cline's activities violated both the NIH Guidelines on use of recombinant DNA and the Department's regulations for the protection of human subjects. The Committee recommended that four actions be taken and NIH Director Fredrickson accepted them all: (1) Prior NIH approval will be required for any new application from Dr. Cline for NIH support of research involving human subjects; (2) prior NIH approval will be required for each project of his involving recombinant DNA; (3) the Director of each NIH Institute currently supporting research grants for which Dr. Cline is principal investigator should forward the report of the Ad Hoc Committee to the Institute's Advisory Council for advice regarding continuation of such grants; and (4) for each application for new or competing renewal of NIH grants, the study sections and National Advisory Councils shall consider the report of the Ad Hoc Committee in making decisions regarding support of the research.(*20*)

All four recommendations were implemented. In September and October 1981, National Advisory Councils of the three NIH institutes that had been funding Dr. Cline's research reviewed the ad hoc committee's report and forwarded their recommendations to the Acting Director, NIH, through the Associate Director for Extramural Research and Training, who endorsed all but one recommendation.(*21*)

The National Institute of Arthritis, Diabetes and Digestive and Kidney Diseases has been supporting Dr. Cline's research in "A New Method of Bone Marrow Culture," providing $33,172 in direct costs for September 1981–August 1982, and for the next two years, $41,232 and $44,109, respectively. This institute recommended that each annual report be signed by a responsible official of UCLA certifying that the research was carried out "in keeping with the intent and conditions for which the award was made." (*22*)

The National Heart, Lung, and Blood Institute is currently supporting Dr. Cline's research on "Treatment of Hemoglobinopathies by Gene Insertion," providing $81,647 in direct costs, the first year, and $78,647 and $83,787 in two subsequent years. Its Advisory Council, after considering the record and debating the issues, concluded that "the actions of Dr. Cline are reprehensible and * * * warrant disciplinary action." The Council supported the NIH actions already taken and further recommended that Dr. Cline provide assurance that he will not engage in human experimentation involving recombinant DNA for a period of three years. Finally, the Council voted to terminate the Heart, Lung and Blood Institute's support of Dr. Cline at the end of the first year (March 31, 1981.)(*23*)

The National Cancer Institute has been funding two grants of which Dr. Cline is principal investigator; one, a research grant, was funded through November 1981 but was scheduled to run through May 1982; the other, a project grant covering four program areas in medical oncology, has been revised by UCLA for consideration for renewal with a new principal investigator. The National Cancer Advisory Board recommended that Dr. Cline's research grant be funded through the original scheduled termination date of May 31, 1982. The Board also recommended that the project grant be supported through February 28, 1982, to provide continuity until the revised application (with the new principal investigator) could be reviewed by the Board at its January meeting. The Board also recommended, however, that Dr. Cline not receive any further support from the extension of the grant.(*24*)

Although Dr. Cline had been asked to comment on a *draft* of the NIH ad hoc committee's report and had replied that he had no response to make "at this time," (*25*) he was not invited to respond at any other time or in any other manner to the charges against him.(*26*) Finally, knowing the ad hoc committee's negative conclusions but not knowing when the advisory councils would act upon them nor how to contact the councils, Dr. Cline sent a letter to the Executive Secretary of the ad hoc committee on September 17, 1981, to be forwarded to the advisory councils "providing arguments in support of his actions as well as more general comments on review and approval of innovative research." (*27*) That letter, however, was not received by NIH until September 28 and thus was too late to be taken into consideration by the two National Advisory Councils that reviewed his case on September 24 and 25. Only the National Cancer Advisory Board (which did not meet until October 6) had Dr. Cline's letter at the time of its consideration of the matter.(*28*)

Authorities cited by NIH for imposition of the sanctions included: (1) Grants administration regulations for terminating or suspending a grant and related provisions for appeal of such action to the Department's Grants Appeals Board; (2) HHS regulations for attaching conditions to grants as a consequence of poor performance; (3) the regulations governing research with human subjects that state that the Secretary may withhold or withdraw departmental support of research from investigators or institutions that "fail materially" either to comply with the terms of a grant or to protect human subjects; and (4) similar provisions contained in Guidelines governing NIH-funded projects involving recombinant DNA.(*29*) The regulations setting forth the procedures for debarment and suspension (that provide an accused scientist with notice and an opportunity for a hearing) were not invoked.(*30*)

5. *M.D. Anderson Hospital and Tumor Institute (University of Texas System*

Cancer Center, Houston). In June 1981, an employee of the National Cancer Institute (NCI) read a brief medical journal report by researchers at M.D. Anderson Hospital on the administration of a new drug, 5-methyltetrahydrohomofolate (referred to as MTHHF), to six cancer patients. The report was noteworthy because MTHHF had not been cleared for use in human subjects by either the Food and Drug Administration or by NCI at the time the research was conducted. Subsequent investigation revealed that the drug had been provided to the principal investigator by NCI under a contract explicitly limiting its use to animal research. NCI officials immediately wrote to administrators at M.D. Anderson and to the principal investigator, suspending further work on MTHHF and announcing a site visit to take place on July 13, 1981. (*31*)

The significance for the President's Commission of the lengthly site visit report and accompanying documents lies not solely in what was discovered about the MTHHF experiment that was conducted in 1980, but rather in the evidence that was turned up which reveals serious deficiencies in the review process at M.D. Anderson and in the response to that evidence made by officials at NCI and NIH. Equally notable was the lack of communication between the NIH and FDA (which had inspected the IRB at M.D. Anderson less than half a year eariler). (*32*) This suggests that the coordinated oversight of IRBs falls a good deal short in reality of the system that is set forth on paper.

Among the documents reviewed by the site visitors were a protocol by another investigator for "Phase I Evaluation of Homofolic Acid" (homofolic acid is another name for MTHHF) and an accompanying consent form, both of which had been approved by the hospital's IRB in August 1978. (*33*) The study was never carried out as described in the 1978 protocol, but this was the only documentation available to the NCI site visit team, since the study actually conducted during 1980 was not based on a protocol or set of consent documents approved by the IRB. The information available about the 1973 protocol suggests that the consent form employed there was a general form used for Phase I trials (*i.e.*, only the name of the drug had to be filled in), and this surmise is confirmed by a later statement of a hospital administrator, who described the consent form as the standard one in use at the time. (*34*)

In light of the clear violation of both FDA and HHS rules that had brought the nine member site visit team (including one representative of OPRR) to Houston, the apparent deficiencies in the IRB review procedures and in the standards for informed consent (which are described in greater detail below) might have triggered a broader investigation of the protection of human subjects at M.D. Anderson Hospital. Instead, sanctions were directed primarily at the principal investigator; broader remedies were limited to specific steps to tighten up the procedures of the hospital's pharmacy and a formal directive that the hospital "develop a document that describes in detail the policies and procedures for clinical research using investigational drugs, including protocol review and approval, IRB procedures * * *" (*35*)—the absence of which demonstrates failings that ought never to have existed if the institution's "general assurance" with HHS has been adequately implemented in the first place. A follow-up site visit to determine how well the procedures described in the new document are being implemented was deferred for six months; by contrast, a representative of the NCI's Investigational Drug Branch returned to M.D. Anderson on July 28, 1981 (two weeks after the initial site visit), to review records of additional studies. This second visit turned up further problems (both in protocol review and in consent forms) which were characterized by the Deputy Director of NCI as being "general" in nature. (*36*)

The problems with the MTHHF protocol as approved—which *might* have been shown to be "general" problems had OPRR also chosen to follow up immediately with a broader inquiry—were numerous. Three stand out: the lack of clarity about the type of study subjects were being asked to join, the failure to reveal potential adverse effects, and the misleading impression created that the drug—actually in the earliest phase of testing—was being offered as treatment of a disease.

The objectives of the study, as set forth in the approved protocol, were:

> (1) To determine the maximum tolerated dose of MTHHF administered by single dose intermittent intravenous infusion;
>
> (2) To determine the qualitative and quantitative toxicity and reversibility of toxicity of MTHHF administered in this fashion; and
>
> (3) To investigate the clinical pharmacology of MTHHF and rationale for dose and schedule chosen.

These objectives fell into two groups: (1) and (2), which concerned toxic effects, and (3) which was aimed at discovering the drug's metabolism, absorption and the like. Together, these objectives define a "Phase I test," as the FDA terms it—namely, research to answer basic questions about pharmacokinetics and safety through initial trials in the first few human beings after laboratory and animal work has been completed.

It is a matter of some importance that these two sets of purposes be made very clear, both in the protocol and (particularly) in the consent form, since the effects of the two aspects of the study are likely to be very different for the subjects. In the second branch of this experiment, it was intended to give a relatively small dose of MTHHF "labeled" with a small amount of radioactivity. This amount would be too small to be expected to have any effect on patient-subjects' tumors. The size of the dosage probably explains why the consent form would put these words into a prospective subject's mouth: "I understand * * * that the amount of drug used solely for the pharmacology studies * * * will be free of toxic effects." (*37*)

Any subject who understood the term "pharmacology studies" to be synonymous with the experiment itself—an understandable, indeed predictable, mistake, given the way the consent form is written—would have gotten the misleading impression that the study *as a whole*, to the extent it was not treatment, would be "free of toxic effects." Yet, the *other branch* of the study design was actually a search for "the highest dose which does not cause the following toxicities," which had been reported from studies on dogs and monkeys: (*38*)

> severe hemolytic anemia, * * * congestive heart failure, life-threatening arrythmias, * * * severe diarrhea requiring hospitalization for fluid replacement, * * * coma, seizures, nerve paralysis, progressive mental deterioration or weakness.

The standard to be used was that

> if three patients develop any of the above toxicities at a similar dose level during Phase I evaluation, the dose will be considered to be above the maximum tolerated dose. (*39*)

The amount of the drug that would produce those effects in humans was unknown; by step-wise increments (or decrements, if the initial guess on tolerable dosage was too high) the researchers intended to find the point where these (or other) toxic side effects would begin.

One would expect such possible consequences to be spelled out clearly in the consent form. They were not mentioned. Of course, under the HHS rules in effect at the time the protocol was approved, it was also (and still is) permissible to use a "short form" written consent that indicates that "the basic elements of informed consent have

been presented orally to the subject." But in that case, "written summaries of what is to be said to the patient are to be approved by the Board." The rules required that the form be signed not only by the subject but also "by an auditor witness to the oral presentation and to the subject's signature. A copy of the approved summary, annotated to show any additions, is to be signed by the persons officially obtaining the consent and by the auditor witness." (*40*) No such summaries were prepared for, or approved by the IRB (nor do any such forms and procedures appear to have employed in the MTHHF study actually performed 1980), which violated not only the HHS regulations but M.D. Anderson Hospital's own general assurance. (*41*)

The failure of the consent form to describe the risks of the experiment is more grave because of another, perhaps central, deficiency in the form: it gives the impression that the cancer patient is being asked to consent to *treatment*, with perhaps some small added studies ("free of toxic effects") on the side. The form does not make clear that MTHHF had never before been administered to humans and therefore that its possible efficacy was wholly unknown. The language of the consent form, as approved by the IRB, is instead replete with references to "therapy" and "my treatment." Indeed, after formal language naming the physician and the "treatment," the body of the consent form begins with the assertion: "I am about to receive a form of chemotherapy recommended by my physician. He has explained the potential benefits and hazards of this treatment to me. (*42*)

Although the NCI site visitors' report did note that the consent procedures *in this case* failed to conform to the HHS regulations and the hospital's general assurance, most of the attention (and subsequent sanctions) were based upon the principal investigator's having acted on the (incorrect) assumption that in the two years since the IRB approved the protocol, appropriate clearance had been obtained from the FDA and NCI to administer the drug to humans. There was no apparent concern that the deficiencies revealed in the MTHHF consent form might be widespread or that the IRB should have mechanisms to assure that all additional certifications are in place prior to giving its final approval for a research project. (*43*) Nor did the site visitors find noteworthy the fact that at least two IRB members had disagreed as to whether the research would be "therapeutic" for the subjects and, moreover, had advised that additional information be provided in the consent forms. (*44*)

The response of both NIH and the administrators at M.D. Anderson was to direct strong criticism and sanctions against the principal investigator. NIH terminated all work under the contract in question, except for two studies "of high programmatic priority" for which a new principal investigator was named, and the government sought reimbursement of funds used to support the unauthorize clinical studies. (*45*) The hospital, in addition, formally censured the principal investigator and barred him from further participation in studies involving human subjects. He was also relieved of all responsibilities as principal investigator or co-principal investigator on federal contracts or grants. Both of the latter sanctions are of indefinite duration but are subject to periodic review. (*46*)

A joint NIH/NCI panel that reviewed the site visit report added two additional sanctions: that the investigator's infraction be brought to the attention of the appropriate NIH advisory council should he submit a grant or contract proposal during the next two year period and that he not be asked to serve on any NIH advisory committees or as a site visitor during that same period. (*47*)

The Director of OPRR reported to the Commission that his office engaged in additional correspondence and telephone calls with M.D. Anderson, following the formal imposition of sanctions by NIH, in an effort to improve the hospital's overall review procedures. The only recommendations directed at the institution and formally endorsed by the Acting Director of NIH, however, were that its procedures for handling investigational new drugs be improved with respect to documentation, record-keeping and distribution from the pharmacy and that "documents be developed by the University which describe the policies and procedures for the clinical research utilizing investigational drugs, which will ensure compliance in the future with the NCI policy and HHS regulations for the protection of human subjects with follow-up visits by NCI and the Office of Protection for Research Risks [sic]." (*48*)

Throughout, officials at NIH remained unaware of the routine FDA inspection of M.D. Anderson that had taken place on March 20, 1981, (*49*) despite the assurances given to the President's Commission that NIH has developed good communication with FDA and that "when FDA inspectors find any practice which may constitute noncompliance with 45 CFR Part 46, the HEW regulations, OPRR is immediately notified." (*50*) Perhaps OPRR was not notified of the clear deficiencies reported by the FDA inspectors because, although the reviewers noted a failure to conduct annual review of individual protocols (instead, the IRB reviewed and re-approved the "parent project" which might contain any number of individual protocols), the FDA classified the results of its inspection as "No Action [is] Indicated." (*51*) The failure of the IRB to review each protocol, however, violates regulations governing research supported by HHS as well as FDA's own regulations governing research with investigational new drugs. Moreover, while the FDA investigation showed that, in the case of the drug reviewed, the IRB had required modifications in the consent form, the important changes recommended by the two IRB members with primary review responsibilities in that case were not in fact incorporated in the revised form as approved. (*52*) Finally, the form (also for a Phase I drug study) is less than clear and candid about the likelihood (or lack thereof) of therapeutic benefit to subjects and contains "boiler plate" language that certain information has been provided, rather than a full description of the information itself. In the absence of any summary of the risks, the consent form and the IRB review process described in the FDA inspection documents appear not to meet the HHS regulations and the hospital's general assurance, just as was true in the IRB's handling of the 1978 MTHHF protocol.

It appears, therefore, that neither the FDA nor the NIH has developed inspection procedures that are sensitive to significant factors; moreover, communication between FDA and NIH regarding their site visits is far from adequate. An additional problem is whether "Phase I" tests of new cancer drugs can be considered "therapeutic" and, if so, whether they should still be classified as "Phase I."

Footnotes

(*1*) Letter to John I. Sandson, M.D., and John H. Betjemann from Arthur Upton, M.D., Director, NCI (August 3, 1978) agreeing with the position taken by his senior staff in July. A complete documentary account of the sequence of events at Boston University Hospital and NCI is contained in a chronology of events prepared by Commission staff and submitted with the testimony of the Executive and Deputy Directors at hearings held by Rep. Albert Gore, Jr., April, 1981. *See, Fraud in Biomedical Research,* Hearings Before the Subcommittee on Investigations and Oversight of the Committee on Science and

Technology, U.S. House of Representatives (March 31, April 1, 1981) at 136–139.

(2) "Spotlight" series, *Boston Globe*, Sunday, June 29 through Thursday, July 3, 1980.

(3) Memorandum from Dr. Vincent T. DeVita, Jr., Acting Director, NCI to Acting Director, Division of Management Survey and Review, NIH (July 3, 1980).

(4) Letter from Edward J. Lehman, Executive Officer, American Anthropological Association, to Anta Montet-White, Chair, Department of Anthropology, University of Kansas (April 28, 1980).

(5) Food and Drug Administration, Department of Health and Human Services *In the Matter of Nathan S. Kline, M.D., Commissioner's Decision.* (November 13, 1980).

(6) Memorandum from Deputy Director, President's Commission, to Director, OPRR (Feb. 19, 1981).

(7) Letter from Charles R. McCarthy (Director, OPRR) to Barbara Mishkin (Deputy Director, President's Commission) (May 19, 1981).

(8) *Id.*

(9) Grant #2S07RR05651–15.

(10) Letter from Dr. Thomas Bowery, Director, NIH Biomedical Research Support Program, NIH to Barbara Mishkin (December 2, 1981), attaching *14th Year Annual Progress Report* of Rockland Research Institute, which lists members of Allocation Committee at p. 6.

(11) Letter from Sherman Mellinkoff to Alexander M. Capron, Executive Director, President's Commission (February 5, 1981).

(12) *Id.*

(13) Statement of the Director, NIH, accompanying the release of the Report concerning Martin J. Cline, M.D. (May 26, 1981).

(14) Memorandum from Chairman, NIH Ad Hoc Committee on UCLA Report (transmitting the Committee's report) to Director, HIH (May 21, 1981) at 7–10, 16–21.

(15) *Id.* at 1415, 21.

(16) *id.* at 10.

(17) *Id.* at 6. The IRB voted on July 16, 1980 to disapprove the protocol. Dr. Cline was formally notified on July 22; the procedure was performed on the patient in Israel on July 10, 1980 and on the patient in Italy on or about July 15, 1980.

(18) *Id.* at 1112.

(19) *Id.* at 20.

(20) Statement of the Director, NIH, *supra*, note 39.

(21) Memorandum from Associate Director for Extramural Research and Training to Acting Director, NIH (Nov. 12, 1981).

(22) *Id.*

(23) *Id.*

(24) *Id.*

(25) *Report of NIH Ad Hoc Committee, supra* note 40, at 19.

(26) Confirmed by personal communications (Nov. 23, 1981) with Dr. Charles McCarthy, Director, OPRR and Dr. Martin Cline. Dr. Cline expressed frustration at his inability to get his explanatory letter to the Advisory Councils in time for them to take it into consideration, noting that no one told him the dates of the Council meetings or how to address communications to them.

(27) Memorandum from Associate Director for Extramural Research and Training, *supra* note 47.

(28) *Id.*

(29) *See:* 45 CFR Part 74, Subpart M: 45 CFR Part 16; 42 CFR Part 50, Subpart D; 45 CFR 74.7; 45 CFR 46.121–122; 45 FR 77384 (November 21, 1980).

(30) 45 CFR Part (45 FR 67262, October 9, 1980). In the executive summary of the regulations, Secretary Patricia R. Harris stated: "the effect of the regulations will be to establish a procedure, with due process safeguards, to render persons ineligible to receive HHS financial assistance for reasonable periods of time." The regulations became effective on November 10, 1980.

(31) Memorandum from Deputy Director, NCI to Director, NCI (July 24 1981) on: Clinical Pharmacology Study of [MTHHF] carried out at M.D. Anderson Hospital and Tumor Institute (University of Texas System Cancer Center) *Summary Report of NIH Site Visit Team.*

(32) Report of IRB Inspection of M.D. Anderson Hospital, FDA (March 20, 1981).

(33) *Summary Report of NIH Site Visit Team, supra* note 57. The protocol, numbered DT 78–31, the consent form, and the certification of IRB approval are among background documents attached to the site visit report.

(34) Testimony of James Bowen, Associate Vice President for Research, M.D. Anderson, before a joint hearing of the Subcommittee on Health and the Environment, Committee on Energy and Commerce and the Subcommittee on Oversight and Investigations, Committee on Science and Technology, U.S. House of Representatives (October 27, 1981).

(35) Report of NIH Site Visit Team, *supra* note 57, at 8. OPRR recently reported additional "intensive interaction" with M.D. Anderson "to develop revised procedures which explicitly bar 'Standard' or 'Master' [consent] forms." (Comments on November draft Biennial Report.) The use of Standard forms, however, was already explicitly barred by the hospital's 1975 "Code and Methods of Procedure" for activities involving human subjects.

(36) Memorandum from Deputy Director, DCT, NCI, to Director, NCI, on Follow-up on M.D. Anderson Site Visit (August 6, 1981).

(37) The consent forms is contained in the *Summary Report of the NIH Site Visit Team, supra* note 57.

(38) *Id.*, Protocol DT 78–31, paragraph 3.14: Animal Toxicology.

(39) *Id.*, Protocol DT 78–31, Appendix A, Maximum Tolerated Dose.

(40) Section 46.110 of the 1974 regulations required documentation of the "actual procedure utilized in obtaining legally effective informed consent and the basis for Institutional Review Board determiniations that the procedures are adequate and appropriate." The documentation of consent was permitted to take one of two forms in bimedical research. When the "short form" written consent procedures was utilized, the document must indicate "that the basic elements of informed consent have been presented orally to the subject or his legally authorized representative." Sample copies of the consent form and of the summaries as approved by the Board must be retained in its records.

More typcially, a subject is provided with "a written document embodying all of the basic elements of informed consent. This may be read to the subject or to his legally authorized representative, but in any event he or his legally authorized representative must be given adequate opportunity to read it." The regulation required that the document be signed by the subject or his legally authorized representative, and that "Sample copies of the consent form as approved by the Board . . . be retained in its records."

(41) Report of FDA's Inspection Report, *supra* note 58, Exhibit #2.

(42) Consent form in *Summary Report of NIH Site Visit Team, supra* note 57.

(43) The principal investigator has also failed to obtain approval from the hospital's Radioactive Drug Research Committee, which was required for use of radioactive "labels" which facilities study of the subjects' metabolism of the drug.

(44) *Summary Report of NIH Site Visit Team, supra* note 57, Reviews of protocol DT 78–81 by Alexander Y.M. Wang, Ph.D. (81878) and W.W. Sutow, M.D. (August 2, 1978).

(45) Memorandum from Director, NCI to Acting Director, NIH (August 6, 1981) forwarding Recommendations Regarding Ti Li Loo, Ph.D. and the M.D. Anderson Hospital and Tumor Institute, University of Texas System Cancer Center, and attached Site Visit report.

(46) *Id.*

(47) *Id.*

(48) *Id.* The sanctions recommended by NCI were approved by the NIH Acting Director on August 11, 1981. (See concurrence signature on p. 4 of the memorandum.)

(49) Testimony of Charles MacKay, Deputy Director, OPRR, at 14th meeting of the President's Commission (Nov. 14, 1981) at 323.

(50) Testimony of the Director, OPRR at the 2nd meeting of the President's Commission (May 16, 1980) at 82. *See also,* letter from Dr. Charles R. McCarthy to Morris B. Abram (May 7, 1980) at 4.

(51) FDA Inspection Report, *supra* note 58, at 1.

(52) Id. *See* Exhibits 1a-d, 4c, and 4d.

[FR Doc. 82–7962 Filed 3–26–82; 8:45 am]

BILLING CODE 4140–01–M

federal register

Monday
March 29, 1982

Part III

Department of Health and Human Services

National Institutes of Health

Recombinant DNA Research; Actions Under Guidelines

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Recombinant DNA Research; Actions Under Guidelines

AGENCY: National Institutes of Health, PHS, HHS.

ACTION: Notice of actions under NIH Guidelines for Research Involving Recombinant DNA Molecules.

SUMMARY: This notice sets forth actions taken by the Acting Director, NIAID, by authority of the Director, NIH, under the 1981 Guidelines for Research Involving Recombinant DNA Molecules (46 FR 34462).

EFFECTIVE DATE: March 29, 1982.

FOR FURTHER INFORMATION CONTACT: Additional information can be obtained from Dr. William J. Gartland, Office of Recombinant DNA Activities (ORDA), National Institutes of Health, Bethesda, Maryland 20205 (301) 496–6051.

SUPPLEMENTARY INFORMATION: I am promulgating today several major actions under the NIH Guidelines for Research Involving Recombinant DNA Moelcules. These proposed actions were published for comment in the **Federal Register** of December 7, 1981 (46 FR 59734), and January 6, 1982 (47 FR 732), and reviewed and recommended for approval by the Recombinant DNA Advisory Committee (RAC) at its meeting on February 8–9, 1982. In accordance with Section IV–E–1–b of the NIH Guidelines, I find that these actions comply with the Guidelines and present no significant risk to health or the environment.

Part I of this announcement provides background information on the actions. Part II provides a summary of the major actions.

The decision on the "Gottesman proposal" which was also recommended by the RAC at their February 8–9, 1982, meeting, will be issued at a later date.

I. Decisions on Actions Under Guidelines

A. *Request for Permission to Clone Subgenomic Segments of the Foot and Mouth Disease Virus.* The RAC considered a proposal submitted by Molecular Genetics, Inc. (MGI), of Minnetonka, Minnesota, to transfer *E. coli* K–12 clones comprising less than 75% of the Foot and Mouth Disease Virus (FMDV) genome from the Plum Island Animal Disease Center (PIADC) to the MGI research facility in Minnesota and to conduct experiments with these clones under P1 containment conditions. A notice of this proposal was published for 30 days comment in the **Federal Register** of January 6, 1982 (47 FR 732). No comments were received during this period. It was noted that the proposal is almost identical to one previously approved by NIH. (See **Federal Register** of January 17, 1980, pg. 1059; July 29, 1980, pg. 50528; and March 12, 1981, pg. 16455). After discussion, the RAC, by a vote of 16 in favor, none opposed, and 4 abstentions, recommended approval of the proposal contingent upon review by a working group of the RAC of data on infectivity testing of the clones, prior to their transfer from PIADC.

I accept this recommendation and text has been added to Appendix E of the Guidelines indicating this action.

B. *Request to use Bacillus Megaterium in Recombinant DNA Experiments under P1 Containment.* A request submitted by Dr. Patricia Vary of Northern Illinois University, DeKalb, Illinois, to transfer recombinant DNA segments derived from *E. coli, Bacillus subtilis,* and *Staphylococcus aureus* into *Bacillus megaterium* under P1 containment conditions was considered by the RAC at its February 8–9, 1982 meeting. A notice concerning this request appeared in the **Federal Register** of December 7, 1981 (46 FR 59734). No comments were received on the proposal.

The RAC, after discussing this proposal, recommended approval under P2 containment conditions with the stipulation that the local IBC be authorized to lower containment to P1 for specific experiments. The vote for approval of this recommendation was 13 in favor, none opposed, and 1 abstention.

I accept this recommendation and text has been added to Appendix E of the Guidelines indicating this action.

C. *Proposed Pseudomonas Putida Host-Vector System.* In response to a request from Professor Michael Bagdasarian of the Max-Plank-Institut Fur Molekulare Genetik, Berlin, West Germany, a notice was published in the **Federal Register** of December 7, 1981 (46 FR 59734). The investigator requested HV1 certification of a new host-vector system based on *Pseudomonas putida* strain KT2440 and plasmid cloning vectors pKT262, pKT263, and pKT264. During the public comment period no responses were received.

The RAC discussed this proposal at its February 8–9, 1982 meeting. It was noted that the cloning system would have broad utility. The data indicate that the plasmid vectors have been constructed to be poorly mobilizable. The data submitted meet the criteria for HV1. The RAC by a vote of 18 in favor, none opposed, and 1 abstention recommended that this system be approved as a new HV1 system.

I accept this recommendation, and appropriate text has been added to Appendix F of the Guidelines.

D. *Request to Clone Plant DNA in the Cyanobacterium Anacystis Nidulans.* In a letter dated September 24, 1981, Dr. Lawrence Bogorad of Harvard University requested permission to initiate, at P1 containment, a program involving the cloning of DNA from chloroplasts of various plants (initially primarily from *Zea mays*) in the cyanobacterium *Anacystis nidulans* strain R2. Dr. Bogorad would employ the plasmid vector pUC104, a construct of the cyanobacterial plasmid pUC1 and the *E. coli* vector pACYC184. A notice of this proposal appeared in the **Federal Register** of January 6, 1982 (47 FR 732) for public comment. No comments were received on the proposal.

The RAC discussed the proposal at the February 8–9, 1982 meeting. It was noted that neither *Anacystis nidulans* nor plant chloroplasts produce toxins. In addition, *A. nidulans* does not exchange genetic information with other cyanobacteria. By a vote of fourteen in favor, none opposed, and no abstentions, RAC recommended that the project be approved at the P1 level of containment.

I accept this recommendation and a new entry has been added to Appendix E of the Guidelines.

E. *Proposed Inclusion of Yersinia Enterocolitica on Sublist A, Appendix A.* In a letter dated September 22, 1981, Dr. Guy Cornelis of the Universite Catholique de Louvain, Brussels, Belgium requested that *Yersinia enterocolitica* be exempted from the Guidelines under the provisions of Section I–E–4 by being added to Sublist A, Appendix A, of the Guidelines. In support of this request, Dr. Cornelis supplied data indicating that *Y. enterocolitica* exchanges genetic information with *E. coli.*

Dr. Cornelis' request was published for comment in the December 7, 1981, **Federal Register** (46 FR 59734). No comments concerning the request were received.

The RAC discussed the request at the February 8–9, 1982 meeting. During the discussion, it was noted that some strains of *Y. enterocolitica* cause human disease; however, the organism is ubiquitous. The frequency of transfer of DNA between *E. coli* and *Y. enterocolitica* is three orders of magnitude lower than *E. coli—E. coli* exchange. However, exchange does occur and on this basis *Y. enterocolitica*

can be included in Sublist A, Appendix A. By a vote of eighteen in favor, none opposed, and one abstention, the RAC recommended approval of the request.

I accept this recommendation and *Yersinia enterocolitica* has been added to Sublist A of Appendix A of the Guidelines.

F. *Proposed EK2 Host-Vector Systems.* In a letter dated September 25, 1981, Dr. Roy Curtiss of the University of Alabama in Birmingham, requested EK2 certification of six different *E. coli* K–12 strains in conjunction with various virulent and temperate bacteriophage lambda, plasmid, and cosmid vectors. The request was subdivided into three separate requests. The requests were published for comment in the Federal Register of December 7, 1981 (46 FR 59734). During the thirty day comment period, no comments were received.

Dr. Curtiss' submission was reviewed by a working group of the RAC on January 21, 1982. The working group made recommendations on the basis of data available, and requested certain additional documents. A summary of the working group conference telephone call was prepared and distributed to the full RAC.

The RAC reviewed the submission and working group report at its meeting on February 9, 1982. It was agreed that the first request posed no particular problems, and the RAC voted, by 11 in favor, none opposed, and 2 abstentions, to recommend EK2 certification of *E. coli* K–12 strains chi–2447 and chi–2281 for use with those lambda vectors that already have been certified for use with strain DP50 on the condition that the su^- strain not be used as a propagation host. I accept this recommendation and appropriate language has been added to Appendix F of the Guidelines.

The RAC then turned its attention to the second and third requests which proposed EK2 certification of four strains of *E. coli* K–12 (chi-1984, chi-2705, chi-2001, and chi-2363) in conjunction with virulent and temperate lambda vectors, plasmid vectors, and cosmid vectors. The RAC felt that there were no significant problems in considering certification of the strains specified in requests 2 and 3 with virulent lambda vectors. However, enough data were not available for the RAC to recommend their use with lysogenizing phage vectors, plasmid vectors, and cosmid vectors. The RAC voted 11 in favor, none opposed, and 4 abstentions to recommend EK2 certification of *E. coli* strains chi-1984, chi-2705, chi-2001, and chi-2363 with certified virulent lambda vectors on the condition that the su^- strains not be used as propagation hosts.

Consideration of the requests for use of other vectors with these strains was deferred. I accept these recommendations, and appropriate language has been added to Appendix F of the Guidelines.

G. *Proposed use of EK2 Host-Vector Systems for Cloning DNA from Class 3 and 4 Etiological Agents.* In a letter dated September 25, 1981, Dr. Roy Curtiss of the University of Alabama in Birmingham requested permission to use all certified EK2 host-vector systems to clone DNA fragments from CDC Class 3 and Class 4 etiological agents under P2 containment and under P1 containment if the recombinant clones are shown not to express a virulence determinant that has toxic potential.

As an alternative to this general proposal, Dr. Curtiss requested permission to clone DNA from *Yersinia pestis* and *Mycobacterium leprae* into EK2 host-vector systems under P2 containment, and under P1 conditions in the absence of expression of virulence determinants by the recombinant clones. This request was published in the December 7, 1981, Federal Register (46 FR 59734). During the thirty day public comment period, no comments were received.

During the RAC discussion of the proposal on February 9, 1982, it was noted that Class 3 agents can currently be worked with in EK1 systems under P3 containment conditions (Guidelines Section III–0–1). It would, therefore, be a reasonable alternative also to permit DNA from Class 3 organisms to be cloned and propagated under P2 + EK2 conditions. However, the RAC felt that recombinant DNA experiments involving Class 4 agents should be considered only on a case-by-case basis under the current Guidelines. By a vote of thirteen in favor, none opposed, and two abstentions, the RAC recommended that DNA from Class 3 etiological agents may be propagated in *E. coli* K–12 under P2 + EK2 containment conditions.

I accept this recommendation, and Section III–0–1 and Appendix C of the Guidelines have been accordingly modified.

II. Summary of Actions Under the Guidelines.

A. *Modification of Section III–0–1 and Appendix C of the Guidelines.* Section III–0–1 of the Guidelines is modified to read:

"III–0–1. *Experiments Involving Class 3 Organisms.* Experiments involving recombinant DNA from Class 3 organisms (1) or from cells known to be infected with these agents may be conducted at P3 containment in *E. coli* K–12 EK1 hosts or at P2 containment in *E. coli* K–12 EK2 hosts (see Appendix C). Containment levels for all other experiments with Class 3 organisms or with recombinant DNA which increases the virulence and host range of a plant pathogen beyond that which occurs by natural genetic exchange will be determined by NIH. (See Section IV–E–1–b–2–(e))."

In Appendix C, the second paragraph in the language detailing "exceptions" to the section "2. *Experiments Involving E. coli K–12 Host-Vector Systems*" is modified to read:

"Experiments involving DNA from Class 3 organisms (1) or from cells known to be infected with these agents may be conducted at P3 containment using *E. coli* K–12 EK1 host-vectors systems, or at P2 containment in *E. coli* K–12 EK2 host-vector systems. Lower containment levels may be specified by NIH. (See Section IV–E–1–b–(2)–(e)). Experiments in this category require prior IBC review and approval."

B. *Addition of Yersinia Enterocolitica to Sublist A, Appendix A.* Sublist A of Appendix A of the Guidelines is amended to read as follows:

1. Genus *Escherichia.*
2. Genus *Shigella.*
3. Genus *Salmonella* (including Arizona).
4. Genus *Enterobacter.*
5. Genus *Citrobacter* (including *Levinea*).
6. Genus *Klebsiella.*
7. Genus *Erwinia.*
8. *Pseudomonas aeruginosa, Pseudomonas putida* and *Pseudomonas fluorescens.*
9. *Serratia marcescens.*
10. *Yersinia enterocolitica.*

C. *Cloning of Subgenomic Segments of Foot and Mouth Disease Virus.* A net item, number 42, is added to Appendix E of the Guidelines:

"42. Permission is granted to transfer certain clones of subgenomic segments of Foot and Mouth Disease Virus from Plum Island Animal Disease Center to the laboratories of Molecular Genetics, Inc., Minnetonka, Minnesota, and to work with these clones under P1 containment conditions. Approval is contingent upon review of data on infectivity testing of the clones by a working group of the RAC."

D. *Cloning of E. Coli, Bacillus Subtilis, and Staphylococcus Aureus DNA in Bacillus Megaterium.* A new item, number 43, is added to Appendix E of the Guidelines:

"43. *Bacillus megaterium* can be used as a host for cloning DNA segments derived from *E. coli, Bacillus subtilis,* and *Staphylococcus aureus* under P2 containment conditions. Local IBCs are authorized to lower containment to P1 for specific experiments."

E. *Cloning of Plant DNA in Anacystis Nidulans.* A new item, number 44, is added to Appendix E of the Guidelines:

"44. DNA from the chloroplasts of plants may be cloned in the cyanobacterium *Anacystis nidulans* strain R–2 under P1 containment conditions using the plasmid vector pUC104."

F. *Certification of Pseudomonas Putida HV1 Host-Vector System.* The following paragraph is added under the heading "HV1" in Appendix F of the Guidelines:

"*Pseudomonas putida* strain KT2440 with plasmid vectors pKT262, pKT263, and pKT264 is certified as an HV1 host-vector system."

G. *Certification of EK2 Host-Vector Systems.* The following paragraphs are added to Appendix F of the Guidelines under the heading "EK2 Bacteriophage Systems":

"*E. coli* K–12 strains chi-2447 and chi-2281 are certified for use with lambda vectors that are certified for use with strain DP50 or DP50supF provided that the su^0 strain not be used as a propagation host.

"*E. coli* K–12 strains chi-1984, chi-2705, chi-2001, and chi-2363 are certified for use with lambda vectors that are certified for use with strain DP50 or DP50supF provided that the su^0 not strains be used as propagation hosts."

Note.—OMB's "Mandatory Information Requirements for Federal Assistance Program Announcements" (45 FR 39592) requires a statement concerning the official government programs contained in the *Catalog of Federal Domestic Assistance.* Normally NIH lists in its announcements the number and title of affected individual programs for the guidance of the public. Because the guidance in this notice covers not only virtually every NIH program but also essentially every federal research program in which DNA recombinant molecule techniques could be used, it had been determined to be not cost effective or in the public interest to attempt to list these programs. Such a list would likely require several additional pages. In addition, NIH could not be certain that every federal program would be included as many federal agencies, as well as private organizations, both national and international, have elected to follow the NIH Guidelines. In lieu of the individual program listing, NIH invites readers to direct questions to the information address above about whether individual programs listed in the *Catalog of Federal Domestic Assistance* are affected.

NIH programs are not covered by OMB Circular A–95 because they fit the description of "program not considered appropriate" in Section 8–(b)–(4) and (5) of that Circular.

Dated: March 18, 1982.

Bernard Talbot,

Acting Director, National Institute of Allergy and Infectious Diseases, National Institutes of Health.

[FR Doc. 82–8108 Filed 3–26–82; 8:45 am]

BILLING CODE 4140–01–M

federal register

Monday
March 29, 1982

Part IV

Department of Transportation

Federal Aviation Administration

Federal Aviation Regulations; Miscellaneous Amendments

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 23, 25, 45, 61, 63, 65, 91, 107, 121, and 129

[Docket No. 21129; Amdt. 23-28, 25-55, 45-14, 61-71, 63-21, 65-27, 91-178, 107-2, 121-178, and 129-12]

Federal Aviation Regulations; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: These amendments make a number of minor changes to the Federal Aviation Regulations (FAR). They amend certain parts to change prerequisites required for flight tests and the experience necessary for an airline transport pilot certificate. They change the validity period for the written test for a flight engineer certificate. In addition, they amend certain sections of the FAR by changing the word aircraft to airplane. Part 45 of the FAR is amended to permit an approved parts manufacturer to refer, on a tag, to readily available information when it would be impractical to mark the required eligibility information on the tag. Part 91 of the FAR is amended to delete the list of purposes for which a special flight authorization for foreign civil aircraft may be issued. Other sections are amended for purposes of clarification or correction.

EFFECTIVE DATE: April 28, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. E. Wendell Owens Regulatory Review Branch (AVS-22), Safety Regulations Staff, Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; Telephone (202) 755-8714.

SUPPLEMENTARY INFORMATION:

Background

A number of these amendments address problems in the FAR which have been highlighted by numerous requests for exemptions and extensions of compliance dates. In addition, several areas in the FAR require interpretation and clarification. The remaining changes are editorial.

Generally, these amendments address unrelated items that have accumulated over recent years and are appropriate for consolidation in a miscellaneous amendment package.

Discussion of Comments

The following discussions are keyed to like-numbered proposals contained in Notice 80-23 (45 FR 80450; December 4, 1980).

Proposal 1. The proposal to amend § 21.197 to make Part 135 operators eligible for special flight permits with continuing authorizations was disposed of separately in Amendment 21-54 (46 FR 37876; July 23, 1981).

Proposal 2. This proposal would correct an incomplete listing of sections. The correct sections are listed in Appendix A, Section A23.1(a), as §§ 23.321 through 23.459. No comments were received on this proposal. Accordingly, the proposal is adopted without substantive change.

Proposals 3 and 9. Sections 23.305(a) and 25.305(a) contain parallel requirements for structural strength and deformation; however, these include differences in wording and punctuation from the corresponding statements contained in the similar, but correctly stated §§ 27.305(a) and 29.305(a). These proposals would correct §§ 23.305(a) and 25.305(a) by making them consistent with §§ 27.305(a) and 29.305(a). One commenter points out that the word "or" was erroneously inserted at the time CAR 6 and 7 were recodified to Parts 27 and 29 of the FAR. The commenter further states that §§ 23.305 and 25.305 are correctly stated, and that §§ 27.305(a) and 29.305(a) (which have the word "or" inserted) should be revised accordingly.

As originally written, the word "detrimental" was used to quantify the amount of permanent deformation and prohibit acceptance of a loading test which resulted in deforming the tested article to an extent that would degrade its structural characteristics. Insertion of a comma or a conjunction between "detrimental" and "permanent" would change the intended meaning. Inasmuch as the proposed change would only add to the error, the proposals to amend §§ 23.305 and 25.305 are withdrawn.

Proposal 4. This proposal would rearrange paragraphs (a)(1), (a)(2), and (a)(3) of § 23.441 to ensure that the correct tail load distribution is imposed for the flight condition. One commenter points out that the desired correct correlation between load specifying figures in Appendix B and the alternate load requirements of §§ 23.441(a), (b), and (c) could also be accomplished by leaving (a)(1), (a)(2), and (a)(3) in their present order while changing B6, B7, and B8 to B7, B6, and B8. Inasmuch as the interchange of the numbers 6 and 7 occurred initially when the prefix letter B was added in Amendment No. 23-7, August 13, 1969, and because other printings of Part 23 use the order B7, B6, and B8, the FAA disagrees with the commenter. Accordingly, the proposal is adopted without substantive change.

Proposal 5. This proposal would amend § 23.472(f) to delete reference to § 23.725 and insert the reference to § 23.723(a) in its place. This proposal would permit drop tests other than the free drop tests, and would make the requirement consistent with corresponding sections of Parts 25, 27, and 29. No comments were received on this proposal. Accordingly, the proposal is adopted without substantive change.

Proposal 6. No comments were received on the proposal to insert the word "red" before the word "arcs" in § 23.1549(d), for consistency with § 25.1549(d). The proposal is adopted without substantive change.

Proposal 7. This proposal would correct a reference to § 23.201(b) in § 23.1587(a)(1).

The reference to § 23.201(a) or (b) in § 23.1587(a)(1) is incorrect. Reference to § 23.201(a) as proposed in Notice 80-23 is also incorrect. Both references are for paragraphs dealing with control configurations. Section 23.201(c) deals with a maneuver as intended in § 25.1587(a)(1).

Two commenters suggest that the altitude loss information required by § 23.1587(a)(1) should be required for all airplanes regardless of whether or not they have independent controls. The FAA agrees and has amended § 23.1587(a)(1) to reference § 23.201(c) which applies to all airplanes regardless of their control configuration. The section is amended accordingly.

Proposal 8. This proposal would correct errors contained in the equation constants noted under A23.3, Special Symbols.

No comments were received on the proposal to correct the numbers in the velocity equations which will then correctly reflect the change from miles per hour to knots. This proposal is adopted without substantive change.

Proposal 10. This proposal would amend § 25.807 to make it clear that all transport category aircraft must have ditching emergency exits whether or not ditching certification is requested.

One commenter objects to the application of the ditching (emergency exit) requirement to all Part 25 and Part 29 aircraft. The commenter states that the ditching provisions of §§ 25.807 and 29.807 do not apply unless requested. This commenter also directs attention to Notice 80-23 which solicits economic information on these regulations.

Another commenter expressed full support of the proposal. This proposal is intended to clarify the existing regulation and does not establish a new requirement for transport category airplanes. Accordingly, the proposal is adopted without substantive change.

Proposal 11. No comments were received concerning these proposed minor editorial changes. Accordingly, the proposal is adopted without substantive change.

Proposal 12. This proposal would amend § 29.807 to make it clear that all transport category aircraft must have ditching emergency exits whether or not ditching certification is requested.

A commenter states that helicopters not certified for ditching will probably capsize immediately when rotor lift is lost because of their high center of gravity and lack of lateral stabilizing appendages such as wings. This commenter also claims that, because of the additional factor that compartments are not usually water-tight, it is impossible to determine a waterline. The commenter recommends the proposal be cancelled.

Two commenters strongly object to this proposal on the basis that the extension of the transport airplane condition to a helicopter is illogical because of the unique characteristics of helicopters. The commenters point out that the FAA previously considered this question and agreed that the proposed requirement was inappropriate.

Since the time this question was previously considered, there has been no new evidence which would justify a change in rationale, nor has there been any new evidence pointing to a need for added rotorcraft ditching exit provisions. Accordingly, this proposal is withdrawn.

Proposal 13. This proposal would have made Part 43 internally consistent by amending § 43.3 to include Canadian persons authorized under § 43.17. Operations Review Program Notice No. 12 proposes changes to § 43.3. Accordingly, this proposal is withdrawn and will be acted upon as part of that review. Comments received in response to this proposal will be given full consideration in that action.

Proposal 14. Two comments were received in response to this proposal to revise the marking requirements of § 45.15 so that when it is impractical to mark the required eligibility information on the tag attached to a part or container, the tag may refer to a specific and readily available reference manual or catalog which contains the required information.

One comment was submitted by the Industry Association that petitioned for this rule change. It found the wording of this proposal to be reasonable.

Another commenter believed that the original concept of Parts Manufacturer Approvals (PMA) was primarily based on the production of parts such as spark plugs, pistons, piston pins, etc., to be used as duplicate parts without a specific part number. These parts are, in fact, required to have a specific part number. Further, the PMA manufacturer is required to mark the parts (or tags) with parts replacement eligibility. It was not proposed to remove the requirement for this information from § 45.15; it was proposed to provide that, in those cases where it would not be practical to mark the required eligibility information on the tag, the tag may contain a reference to a readily available manual or catalog containing the required eligibility information.

Section 45.15 is adopted without substantive change.

Proposal 15. Section 61.39(b) has required that an applicant for an airline transport pilot certificate or an additional rating who does not wish to retake the required written examination must have been continuously employed since passing the written examination and be participating in a pilot training program. For the exception from the 24-month requirement to apply, a person had to have been employed by a carrier immediately (within 24 hours) after taking the written examination; a strike or furlough constituted a break in continuous employment, thus invalidating the exception. The FAA has determined that this rule is too restrictive, since it is possible for a pilot to be on vacation for a longer period of time than some strikes or furloughs last, and it would be unfair to apply the exception provision to the vacationing pilot but not the striking or furloughed pilot. Accordingly, Notice 80–23 proposed to amend § 61.39 to provide that the applicant need only be employed within the period ending 24 calendar months after the month in which the applicant passed the written examination and at the time of the flight test. Notice 80–23 also proposed to eliminate the continuous employment requirement and substitute a requirement to complete initial training and when appropriate, transition or upgrade training, and to meet the recurrent training requirements. Requiring an individual's training to be current is a better means of ensuring retention of the knowledge tested by the written test than requiring continuous employment.

One commenter responded in support of the proposal. The proposal is adopted as proposed.

Proposal 16. Section 61.155(d) has provided that a commercial pilot may credit toward the total flight time required for an airline transport pilot certificate any second-in-command time "in operations under Part 121." However, § 61.51(c)(3) provides that for meeting the requirements for a certificate or rating, a pilot may log as second-in-command time all flight time during which that pilot acts as second in command of an aircraft on which more than one pilot is required under the type certification of the aircraft or the regulations under which the flight is conducted. The intent of § 61.51(c)(3), when it was adopted, was that this rule should apply to the experience requirements for each kind of pilot certificate. However, at that time no change was made in § 61.155(d). Notice 80–23 proposed to eliminate the phrase "in operations under Part 121," so that all second-in-command time which meets the requirements of § 61.51(c)(3) may be credited under § 61.155. No comments were received on this proposal.

The proposal is adopted and all second-in-command time which meets the requirements of § 61.51(c)(3) may be credited under § 61.155(d).

Proposal 17. Section 63.35(d) has required continuous participation in a maintenance, flight engineer, or pilot training program of a Part 121 certificate holder for an applicant for a flight engineer certificate to be exempted from the 24-month validity period for the written examination. Similar to § 61.39, this section has been interpreted to mean that any break in employment, such as a strike or furlough, constitutes an interruption of continuous participation in a training program and prevents the exception from applying. The FAA has reevaluated this requirement and has determined that continuous participation in a training program is not essential. Currency in a certificate holder's training program for a flight crewmember or recency of experience for a mechanic employed by a certificate holder ensures knowledge retention better than continuous participation in a training program.

Notice 80–23 proposed to amend § 63.35(d) to apply the exception provision to a flight crewmember or mechanic who is employed by a certificate holder within the period ending 24 calendar months after the month in which the applicant passed the written examination, and whose training is current or meets the recent experience requirements for a mechanic under § 65.83. It also proposed to expand the

rule to include employment by a commuter air carrier.

No comments were received on the proposal. It is adopted without substantive change.

Proposal 18. Notice 80–23 proposed to amend § 65.101 to allow formal training to be substituted for the practical experience now required for repairman certificate eligibility. One commenter agreed with the substance of the proposal, with the exception that completed formal training should have the prior approval of the Administrator instead of being reviewed for acceptability for completion.

Because of the diversity and uniqueness of training associated with repairman ratings, it would be impractical to establish national uniform training standards necessary for prior approval of training programs. Conversely, FAA certificated air agencies, aviation manufacturers, and air carriers are best able to establish that formal training which will qualify the repairmen they employ to perform or supervise the maintenance of aircraft or components at its facilities. The FAA can then review the training and determine if it is acceptable. This amendment will provide a logical alternative to the 18 months of practical experience formerly required for repairmen eligibility and still provide an equivalent level of competency. Accordingly, this proposal is adopted without substantive change.

Proposal 19. It was proposed to amend § 65.127(b) to provide that a parachute rigger need only have available suitable housing that is adequately heated, lighted, and ventilated for drying and airing parachutes. This section has required, in part, a compartment for hanging a parachute vertically for drying and airing. Since parachutes are now made of synthetic fabrics, a vertical or horizontal means for drying and airing parachutes is also acceptable. However, the housing must still be adequately heated, lighted, and ventilated.

No comments were received on this proposal. Section 65.127(b) is being revised as proposed.

Proposal 20. Notice 80–23 proposed to delete the list of purposes for which a special flight authorization could be issued. The intent was to eliminate the need for an applicant to petition for an exemption from previous § 91.28 when the purpose was other than that specified under the rule. This was intended to relieve the burden on both the FAA and the public imposed by exemption procedures.

Review of the comments received revealed that even though all commenters supported the proposal, they apparently misconstrued its intent, in believing that CAB authority, in addition to the FAA special flight authorization, would be necessary for all purposes, including those which formerly did not require CAB authority under the previous rule. The CAB also submitted comments consistent with most commenters indicating that the proposed rule was subject to misinterpretation. The CAB provided revised language for proposed § 91.28(c) to preclude any misunderstanding as to when CAB authority would be necessary.

In this regard the FAA agrees with the commenters and the CAB that the proposal was not clear relative to when CAB authority would be necessary. Accordingly, the FAA has amended the language of proposed § 91.28 to clarify when CAB authority would be necessary.

One commenter noted that, in the case of special flight authorizations for air shows (§ 91.28(b)(6)), the application procedure contained in proposed § 91.28(a) would no longer provide for applications to be made to the Regional Director of the FAA region in which the air show will take place. The commenter stated that the existing application procedure should be retained since it is economical and effective. The FAA agrees with this comment and has amended § 91.28(a) to reinstate this application procedure.

One commenter stated that it was not clear whether the Regional Director would have authority to issue special flight authorizations for extended periods of time; i.e., once justification had been established for an initial special flight authorization, there would be no benefit in repeating the procedure for each subsequent trip, as in the case of a Canadian amateur-built aircraft to participate at United States air shows. This comment was not considered since it was determind to be outside the scope of Notice 80–23.

Accordingly, this section has been amended consistent with public comments in the interest of clarification and adopted without substantive change.

Proposal 21. This proposal would have required all helicopters operating under IFR to use altimeters which have been tested for the altitudes at which operations are conducted. Operations Review Program Notice No. 12 proposes a number of changes to § 91.170. Accordingly, this proposal is withdrawn and will be acted upon as part of that review. Comments received in response to this proposal will be given full consideration in that action.

Proposal 22. This proposal would delete references to Part 103 in § 121.135(b)(23) and insert appropriate references to Title 49 of the CFR. Since this change was previously accomplished in Operations Review Amendment No. 9 (45 FR 46736), this proposal is withdrawn.

Proposal 23. This proposal would require the interphone system to be accessible for use at enough flight attendant stations so that all floor-level emergency exits in each passenger compartment are observable from one or more of those stations so equipped. Section 121.319(a) requires, in part, that airplanes with a seating capacity of more than 19 passengers must be equipped with a crewmember interphone system. Section 121.319(b)(5)(i) requires that for large turbojet-powered airplanes, the interphone system must be accessible for use at enough flight attendant stations so that all floor-level emergency exits in each passenger compartment are observable from one or more of those stations. From a security and operational viewpoint, if the floor-level exit is located within a galley, and the entryway to the galley is observable, this will satisfy the operational/security requirements and, therefore, it would be unnecessary to view the exit itself. No comments were received on this proposal. Accordingly, it is adopted without substantive change.

Proposals 24, 25, 27, and 28. Sections 121.385, 121.389, 121.695, and 121.697 contained inconsistencies in the use of the words "aircraft" and "airplanes." The proposals would replace the word "aircraft" with the word "airplane" where it appears in §§ 121.385(a), 121.389(a)(2), 121.695(a), and 121.697(a) and (d). These editorial corrections would make the language consistent with the applicable word definitions. No comments were received on these proposals. Accordingly, they are adopted without substantive change.

Proposal 26. This proposal would have amended § 121.585 to require a certificate holder to notify a passenger declaring a firearm in checked baggage of the definition of a "loaded" firearm. It further would have required a certificate holder to determine that ammunition is carried in accordance with the Hazardous Materials Regulations in Title 49 Parts 171, 172, and 173 of the CFR.

Inasmuch as there is no evidence indicating a need for this added provision, and its implementation would impose an additional unnecessary cost on certificate holders, this proposal is withdrawn.

Proposal 29. This proposal would relieve an unnecessary burden on certificate holders that do not have clerical staffs working holidays and weekends by revising § 121.703 to change the reporting time to 9:00 a.m. the second workday following the date of the reportable event for reports covering holidays and weekends. No comments were received on this proposal. Accordingly, this proposal is adopted without substantive change.

Proposal 30. Part 129 prescribes rules governing the operation within the United States of aircraft of foreign air carriers holding a permit issued by the Civil Aeronautics Board (CAB) under Section 402 of the Federal Aviation Act of 1958. Currently, the CAB issues exemptions to permit temporary operations by foreign air carriers without a Section 402 permit provided the foreign air carrier is in compliance with Part 129. This proposal would amend § 129.1 of the FAR to make Part 129 applicable to foreign air carriers who hold either a Section 402 permit or other appropriate economic authority, or an exemption issued by the CAB which requires compliance with that part. No comments were received on this proposal.

The phrase "conditioned upon the foreign air carrier complying with the requirements of this part" is ambiguous since Part 129 applies regardless of CAB conditions shown on the economic authority to operate in the United States. Accordingly, this section has been amended and adopted without substantive change.

Proposals 31 and 32. These proposals were disposed of in Amendments 135-13 (46 FR 28301; May 26, 1981) and 135-15 (46 FR 30968; June 11, 1981).

Editorial Corrections

Amendments to §§ 107.13(a) and 121.575 were not proposed in Notice 80-23. They are editorial corrections which are necessary and resulted from new Part 108, Airplane Operator Security (46 FR 3782; February 15, 1981).

These amendments correct §§ 107.13 and 121.575 by inserting the appropriate reference to the new part. No substantive change is made as a result of the corrections.

Adoption of the Amendment

Accordingly, Parts 23, 25, 29, 43, 45, 61, 63, 65, 91, 121, and 129 of the Federal Aviation Regulations are amended effective April 28, 1982, as follows:

PART 23—AIRWORTHINESS STANDARDS: NORMAL, UTILITY, AND ACROBATIC CATEGORY AIRPLANES

§ 23.301 [Amended]

1. By amending the second sentence of § 23.301(d) by removing the words "equivalent of §§ 23.331 through 23.399" and inserting the words "equivalent of §§ 23.321 through 23.459" in their place.

§ 23.441 [Amended]

2. By amending § 23.441(b) by removing the phrase "(a)(1), (a)(2), and (a)(3), respectively." and by inserting the phrase "(a)(2), (a)(1), and (a)(3), respectively, of this section." in its place.

§ 23.473 [Amended]

3. By amending § 23.473(f) by removing the reference "§ 23.725" and inserting the reference "§ 23.723(a)" in its place.

§ 23.1549 [Amended]

4. By amending § 23.1549(d) by inserting the word "red" before the word "arcs".

§ 23.1587 [Amended]

5. By amending § 23.1587(a)(1) by removing the reference "§ 23.201(b)" and inserting "§ 23.201(c)" in its place.

Appendix A to Part 23 [Amended]

6. By amending Appendix A, paragraph A23.3, by removing the numbers 12.5, 17.0, 19.5, and 27.3 appearing in the equations and inserting the numbers 11.0, 15.0, 17.0, and 24.0, respectively, in their place.

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

§ 25.807 [Amended]

7. By revising § 25.807(d) by amending the initial portion of the lead-in to delete the phrase "Ditching emergency exits must be provided in accordance with the following requirements," and inserting in its place the phrase "Whether or not ditching certification is requested, ditching emergency exits must be provided in accordance with the following requirements,".

Appendix F to Part 25 [Amended]

8. By amending Appendix F to Part 25 as follows:

1. By inserting a comma after "5'" in paragraph (a).

2. By removing the colon after the phrase "most critical flammability conditions" in the fourth sentence of paragraph (b) and inserting a period in its place.

3. By removing the reference to paragraph (h) in the first sentence of paragraph (c) and inserting a reference to paragraph (g) in its place.

4. By removing the reference to paragraph (g) in the last sentence of paragraph (d) and inserting a reference to paragraph (h) in its place.

5. By removing the reference to paragraph (g) in the next to last sentence of paragraph (g) and inserting a reference to paragraph (h) in its place.

PART 45—IDENTIFICATION AND REGISTRATION MARKING

9. By amending § 45.15(b) by adding a sentence at the end to read as follows:

§ 45.15 Replacement and modification parts.

* * * * *

(b) * * * If the marking required by paragraph (a)(4) of this section is so extensive that to mark it on a tag is impractical, the tag attached to the part or the container may refer to a specific readily available manual or catalog for part eligibility information.

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

10. By revising § 61.39(b) to read as follows:

§ 61.39 Prerequisites for flight tests.

* * * * *

(b) Notwithstanding the provisions of paragraph (a)(1) of this section, an applicant for an airline transport pilot certificate or rating may take the flight test for that certificate or rating if—

(1) The applicant—

(i) Within the period ending 24 calendar months after the month in which the applicant passed the first of any required written tests, was employed as a flight crewmember by a U.S. air carrier or commercial operator operating either under Part 121 or as a commuter air carrier under Part 135 (as defined in Part 298 of this title) and is employed by such a certificate holder at the time of the flight test;

(ii) Has completed initial training, and, if appropriate, transition or upgrade training; and

(iii) Meets the recurrent training requirements of the applicable part; or

(2) Within the period ending 24 calendar months after the month in which the applicant passed the first of any required written tests, the applicant participated as a pilot in a pilot training program of a U.S. scheduled military air transportation service and is currently participating in that program.

11. By revising the introductory phrase in § 61.155(d) to read as follows:

§ 61.155 Airplane Rating: Aeronautical experience.

* * * * *

(d) A commercial pilot may credit the following flight time toward the 1,500 hours total flight time requirement of paragraph (b)(2) of this section:

* * * * *

PART 63—CERTIFICATION: FLIGHT CREWMEMBERS OTHER THAN PILOTS

12. By revising § 63.35(d) to read as follows:

§ 63.35 Knowledge requirements.

* * * * *

(d) An applicant for a flight engineer certificate or rating must have passed the written tests required by paragraphs (a) and (b) of this section since the beginning of the 24th calendar month before the month in which the flight is taken. However, this limitation does not apply to an applicant for a flight engineer certificate or rating if—

(1) The applicant—

(i) Within the period ending 24 calendar months after the month in which the applicant passed the written test, is employed as a flight crewmember or mechanic by a U.S. air carrier or commercial operator operating either under Part 121 or as a commuter air carrier under Part 135 (as defined in Part 298 of this title) and is employed by such a certificate holder at the time of the flight test;

(ii) If employed as a flight crewmember, has completed initial training, and, if appropriate, transition or upgrade training; and

(iii) Meets the recurrent training requirements of the applicable part or, for mechanics, meets the recency of experience requirements of Part 65; or

(2) Within the period ending 24 calendar months after the month in which the applicant passed the written test, the applicant participated in a flight engineer or maintenance training program of a U.S. scheduled military air transportation service and is currently participating in that program.

* * * * *

PART 65—CERTIFICATION: AIRMEN OTHER THAN FLIGHT CREWMEMBERS

13. By revising § 65.101(a)(5) to read as follows:

§ 65.101 Eligibility Requirements: General.

* * * * *

(a) * * *

(5) Have either—

(i) At least 18 months of practical experience in the procedures, practices, inspection methods, materials, tools, machine tools, and equipment generally used in the maintenance duties of the specific job for which the person is to be employed and certificated; or

(ii) Completed formal training that is acceptable to the Administrator and is specifically designed to qualify the applicant for the job on which the applicant is to be employed; and

* * * * *

14. By revising § 65.127(b) to read as follows:

§ 65.127 Facilities and equipment.

* * * * *

(b) Suitable housing that is adequately heated, lighted, and ventilated for drying and airing parachutes.

* * * * *

PART 91—GENERAL OPERATING AND FLIGHT RULES

15. By revising §§ 91.28 (a), (b), and (c) to read as follows:

§ 91.28 Special flight authorizations for foreign civil aircraft.

(a) Foreign civil aircraft may be operated without airworthiness certificates required under § 91.27 if a special flight authorization for that operation is issued under this section. Application for a special flight authorization must be made to the Regional Director of the FAA region in which the applicant is located, or to the region within which the U.S. point of entry is located. However, in the case of an aircraft to be operated in the U.S. for the purpose of demonstration at an air show, the application may be made to the Regional Director of the FAA region in which the air show is located.

(b) The Administrator may issue a special flight authorization for a foreign civil aircraft subject to any conditions and limitations that the Administrator considers necessary for safe operation in the U.S. airspace.

(c) No person may operate a foreign civil aircraft under a special flight authorization unless that operation also complies with Part 375 of the Special Regulations of the Civil Aeronautics Board (14 CFR 375).

PART 107—AIRPORT SECURITY

§ 107.13 [Amended]

16. By amending § 107.13(a) by removing the phrase "§ 108.5(a)(i)" in the introduction and substituting for it the phrase "§ 108.5(a)(1)".

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

17. By revising § 121.319(b)(5)(i) to read as follows:

§ 121.319 Crewmember interphone system.

* * * * *

(b) * * *

(5) * * *

(i) It must be accessible for use at enough flight attendant stations so that all floor-level emergency exits (or entryways to those exits in the case of exits located within galleys) in each passenger compartment are observable from one or more of those stations so equipped;

* * * * *

§ 121.385 [Amended]

18. By amending § 121.385(a) by removing the word "aircraft" wherever it appears and substituting the word "airplane".

§ 121.389 [Amended]

19. By amending § 121.389(a)(2) by removing the word "aircraft" and substituting the word "airplane".

§ 121.575 [Amended]

20. By amending § 121.575 by removing the phrase "§ 121.584" in paragraph (b)(2) and substituting for it the phrase "§ 108.21"; and by removing the phrase "§ 121.585(a)" in paragraph (b)(3) and substituting for it the phrase "§ 108.11".

§ 121.695 [Amended]

21. By amending § 121.695(a) by removing the word "aircraft" and inserting the word "airplane".

§ 121.697 [Amended]

22. By amending §§ 121.697 (a) and (d) by removing the word "aircraft" and inserting the word "airplane" in its place.

§ 121.703 [Amended]

23. By amending § 121.703(d) by amending the last sentence to read "However, a report that is due on a Saturday, Sunday, or holiday must be delivered by no later than 9:00 a.m. on the second workday after that day."

PART 129—OPERATIONS OF FOREIGN AIR CARRIERS

24. By revising § 129.1 to read as follows:

§ 129.1 Applicability.

This part prescribes rules governing the operation within the United States of each foreign air carrier holding a permit issued by the Civil Aeronautics Board under section 402 of the Federal Aviation Act of 1958 (49 U.S.C. 1372) or other appropriate economic or exemption authority issued by the Civil Aeronautics Board.

(Secs. 313(a), 601 through 605 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1425); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49)

Note.—The FAA has determined that these amendments reduce the regulatory burden on the flying public by relaxing certain regulations that govern prerequisites for flight tests, approved parts reference for manufacturers, and special flight authorization for foreign civil aircraft by prescribing only the minimum regulations deemed necessary for safety. The FAA's evaluation of the changes to Parts 23, 25, 45, 61, 63, 65, 91, 107, 121, and 129 indicates that the benefits will exceed the costs, primarily because the complexity and volume of regulatory material have been reduced. Further, proposals contained in the notice which have potential for placing a regulatory burden on the public have been removed. Therefore: (1) It has been determined that this is not a major regulation under Executive Order 12291; and (2) I certify that, under the criteria of the Regulatory Flexibility Act, these amendments will not have a significant economic impact on a substantial number of small entities. In addition, the FAA has determined that these amendments are not significant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The impact of this rulemaking is so minimal it does not require a final regulatory evaluation since most of the amendments are merely editorial corrections and clarifications and some have minimal relaxatory and beneficial economic impact.

Issued in Washington, D.C., on February 26, 1982.

J. Lynn Helms,

Administrator.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
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DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

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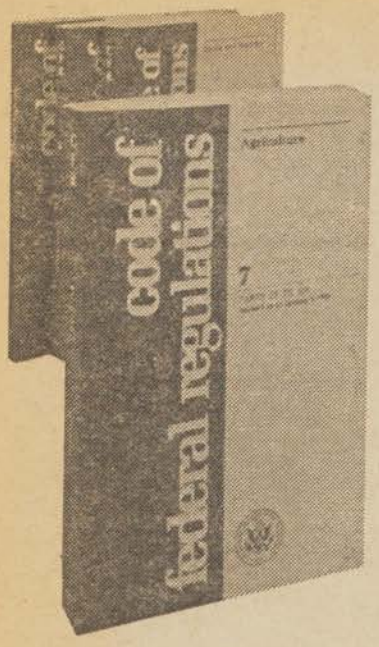
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Last Listing March 25, 1982

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