5-6-82
Vol. 47 No. 88
Pages 19509-19656

federal register

Thursday
May 6, 1982

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

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Presidential Documents

Title 3—

The President

Proclamation 4939 of May 4, 1982

Flag Day and National Flag Week, 1982

By the President of the United States of America

A Proclamation

Two hundred seven years ago, in June 1775, the first distinctive American flags to be used in battle were flown over the colonial defenses at the Battle of Bunker Hill. One flag was an adaptation of the British "Blue Ensign" while the other was a new design. Both flags bore a symbol reflecting the experience of Americans who had wrested their land from the great forests: the pine tree.

At the same time, as the colonies moved toward a final break with the mother country, other flags appeared. At least two of them featured a rattlesnake, symbolizing vigilance and deadly striking power. Each of these bore a legend. One was "Liberty or Death," and the other was "Don't Tread on Me." The Grand Union Flag was raised over Washington's Continental Army headquarters on January 1, 1776. It displayed not only the British crosses of St. George and St. Andrew but also thirteen red and white stripes to symbolize the American colonies. In 1776, the Bennington flag appeared. Its design included thirteen stars, thirteen stripes, and the number "76".

On June 14, 1777, two years after the Battle of Bunker Hill, the Continental Congress chose a flag which expressed very directly the unity and resolve of the colonies which had banded together to seek independence. The delegates voted "that the flag of the thirteen United States be thirteen stripes, alternate red and white; that the union be thirteen stars, white in a blue field representing a new constellation."

After more than two centuries, the flag chosen by the Continental Congress on that June day in Philadelphia still flies today over our Nation, symbolizing a shared commitment to freedom and equality and altered only to reflect our growth to fifty states with the gradual addition of thirty-seven more white stars.

To commemorate the adoption of our flag, the Congress by a joint resolution approved August 3, 1949 (63 Stat. 492), designated June 14 of each year as Flag Day and requested the President to issue an annual proclamation calling for its observance and the display of the flag of the United States on all Government buildings. The Congress also requested the President by joint resolution approved June 9, 1966 (80 Stat. 194), to issue annually a proclamation designating the week in which June 14 occurs as National Flag Week and calling upon all citizens of the United States to display the flag during that week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate June 14, 1982, as Flag Day and the week beginning June 13, 1982, as National Flag Week, and I direct the appropriate officials of the Government to display the flag on all Government buildings during that week. I urge all Americans to observe Flag Day, June 14, and Flag Week by flying the Stars and Stripes from their homes and other suitable places.

I also urge the American people to celebrate those days from Flag Day through Independence Day, set aside by Congress as a time to honor America (89 Stat. 211), by having public gatherings and activities at which they can honor their country in an appropriate manner.

IN WITNESS WHEREOF, I have hereunto set my hand this 4th. day of May 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. 82-12496
Filed 5-4-82; 3:27 pm]
Billing code 3195-01-M

Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Reg. 689; Valencia Orange Reg. 688, Amdt. 1]

Valencia Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period May 7–13, 1982, and increases the quantity of such oranges that may be so shipped during the period April 30–May 6, 1982. Such action is needed to provide for orderly marketing of fresh Valencia oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: This regulation becomes effective May 7, 1982, and the amendment is effective for the period April 30–May 6, 1982.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under Secretary's Memorandum 1512–1, and Executive Order 12291 and has been designated a "non-major" rule. This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendation and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1981–82. The marketing policy was recommended by the committee following discussion at a public meeting on February 5, 1982. The committee met again publicly on May 4, 1982, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of Valencia oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for Valencia oranges is good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of Valencia oranges. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 908

Marketing agreements and orders, California, Arizona, Oranges (Valencia).

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

1. Section 908.989 is added as follows:

§ 908.989 Valencia Orange Regulation 689.

The quantities of Valencia oranges grown in Arizona and California which may be handled during the period May 7, 1982, through May 13, 1982, are established as follows:

(1) District 1: 441,000 cartons;
(2) District 2: 459,000 cartons;
(3) District 3: Unlimited cartons.

2. Section 908.988 Valencia Orange Regulation 688 (47 FR 18321), is hereby amended to read:

§ 908.988 Valencia Orange Regulation 688.

* * * * *

(1) District 1: 539,000 cartons;
(2) District 2: 561,000 cartons;
(3) District 3: Unlimited cartons.

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

Dated: May 5, 1982.

D. S. Kuryloski,

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

[FR Doc. 82–12581 Filed 5–5–82; 12:33 pm]

BILLING CODE 3410–02–M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 20

Standards for Protection Against Radiation; Replacement of Provisions of Regulatory Guide 8.15

Correction

In FR Doc. 82–10366, appearing at page 16162 in the issue for Thursday, April 15, 1982, please make the following corrections:

(1) On page 16163, in the third column, in the last paragraph, in the first line, the reference to "Footnote (1)" (one), should have read "Footnote (l)" ("ell").

(2) On page 16164, in the first column, in the second line, the reference to "Footnote (1)" (one), should have read "Footnote (l)" ("ell").

(3) On page 16165, in Appendix A, under the table, in footnote $^{d-1}$, the formula should have read:

$$\text{Concentration inhaled} = \frac{\text{Ambient airborne concentration}}{\text{Protection factor}}$$

BILLING CODE 1505–01–M

10 CFR Part 50

Emergency Planning and Preparedness for Research and Test Reactors: Extension of Submittal Dates

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations in order to: (1) Increase the thermal power level threshold for the submittal of emergency plans from 500 kilowatts thermal to 2 megawatts thermal, (2) Extend the submission date for emergency plans for those facilities having power levels of 2 megawatts and above to four months after the effective date of the rule and (3) Require all research and test reactors below 2 megawatts thermal to submit emergency plans by November 3, 1982.[1] The increase in thermal power level threshold for the submittal of emergency plans more accurately reflects the power level at which the potential for any significant offsite consequences exist. The effect of the final amendment would be that affected licensees are provided sufficient time to prepare upgraded emergency plans.

EFFECTIVE DATE: May 6, 1982.

FOR FURTHER INFORMATION CONTACT: Kenneth E. Perkins, Acting Chief, Incident Response and Development Branch, Division of Emergency Preparedness, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (Telephone: 301–492–7361).

SUPPLEMENTARY INFORMATION:

I. Amendments to 10 CFR Part 50 and Appendix E to Part 50

On August 19, 1980, the Nuclear Regulatory Commission published in the **Federal Register** (45 FR 55402), amendments to its regulations concerning the upgrading of emergency planning and prepardness. The effective date for these regulations was November 3, 1980.

Among other things, the revised regulations required each licensee authorized to possess and/or operate a research or test reactor facility with power levels greater than or equal to 500 KW thermal, under licenses of the type specified in 10 CFR 50.21(c), to submit emergency plans to the Director of Nuclear Reactor Regulation for approval within one year from the effective date of the rule, *i.e.* by November 3, 1981. A similar requirement for such reactors with power levels less than 500 KW thermal requires emergency plan submittals by November 3, 1982.

II. The Amendment to 10 CFR 50.54(r)

The NRC staff evaluated the capabilities of the 24 licensees operating at 500 KW thermal or above to submit revised emergency plans by November 3, 1981 which would meet all of the requirements in the emergency planning and preparedness regulations. *See* 10 CFR 50.54(r), (q) and Appendix E to Part 50.

These 24 licensees were not able to submit emergency plans fully complying with 10 CFR Part 50 requirements by November 3, 1981. This inability to meet the November 3, 1981 date for submitting emergency plans is attributed to the delay in development of revised guidance criteria for the preparation of emergency plans for research and test reactors that are consistent with the amended regulations.

On December 31, 1981, a proposed rule was published in the **Federal Register** (46 FR 63315), for those research and test reactor licensees required to submit emergency plans by November 3, 1981. The proposed rule would have (1) increased the thermal power level threshold for the submittal of emergency plans from 500 kilowatts thermal to 2 megawatts thermal, (2) extended the submission date for emergency plans for those facilities having power levels of 2 megawatts and above, to four months after the effective date of this rule and (3) required all research and test reactors below 2 megawatts thermal to submit emergency plans by November 3, 1982.

On January 11, 1982, a copy of the **Federal Register** notice was sent to all nonpower reactor licensees to alert them of the proposed rulemaking and provide adequate time for comments. On January 25, 1982, and information letter was transmitted to all research and test reactor licensees by the Office of Nuclear Reactor Regulation. This letter further alerted licensees of the proposed rulemaking and provided additional information on the current status of guidance criteria for use in the development of acceptable radiological emergency response plans for their facilities.

The **Federal Register** notice of proposed rulemaking invited public comment during a 30-day period ending February 1, 1982. Four comments were received from NRC licensees on the proposed amendment. Two fully supported the proposed rule, and the other two, although generally favorable, were primarily concerned about the schedule for upgraded guidance criteria and suggested that the submittal date for emergency plans be one year from the publication date of upgraded guidance criteria.

The January 25, 1982 letter provided the status of the guidance criteria. Two guidance documents were referenced in this letter. DRAFT II, dated November 29, 1982, of the revision to American National Standard ANSI/ANS–15.16–1978, "Emergency Planning for Research Reactors", was published in January 1982 for interim use and comment. Revision 1 to Regulatory Guide 2.6, "Emergency Planning for Research and Test Reactors", which endorses ANSI/ANS–15.16 was published in March 1982 for comment.

Because of the time required for regulatory guide approval procedures, this document probably will not become final before June or July. Therefore, the staff will issue a generic letter to all research and test reactor licensees requesting that they use Revision 1 to Regulatory Guide 2.6 (for comment) and ANSI/ANS–15.16 to meet the requirement of this final rule by September 7, 1982. With regard to the two commenters' (who are in the less than 2 megawatt category) request to extend the date to one year from the publication date of the guidance, the staff considers that the extension by a full year from the original date they were to submit emergency plans is sufficient time for preparation.

While compliance by affected licensees with the November 3, 1981 date for submittal of emergency plans has been delayed, the Commission considers that the state of emergency preparedness has significantly improved within the last year at research and test reactor facilities. This improvement has been confirmed by licensee participation and exchange of information in the development of guidance criteria for preparation and evaluation of radiological emergency response plans for research and test reactors. In addition, all research and test reactor licensees (65 total) presently have emergency plans prepared pursuant to 10 CFR Part 50 prior to the Commission's adoption of the upgraded emergency planning regulations in 1980.

Credible accidents for research and test reactors have been evaluated by the Commission and are discussed in the proposed amendment which was published in the **Federal Register** (46 FR 63315), on December 31, 1981. The Commission concluded that the power level threshold of 2 megawatts thermal

[1] The power levels described here refer to steady-state power levels.

more accurately reflects the power level at which the potential for any significant offsite consequences exist. Based on this and the above information, the Commission finds that there exists sufficient reason to believe that appropriate protective measures can and will be taken to assure protection of the health and safety of the public in the event of a radiological emergency. This amendment is effective on publication because it "relieves a restriction" under Section 551(d)(1) Administrative Procedure Act.

Paperwork Reduction Act Statement

Pursuant to the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511), the NRC has made a determination that this final rule does not impose new nor impact existing information collection requirements.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the NRC certifies that this rule will not have a significant economic impact on a substantial number of small entities. The final rule concerns and extension of the date for research and test reactor licensees to submit emergency plans complying with 10 CFR Part 50, Appendix E, to the Nuclear Regulatory Commission for approval. Accordingly, there is no significant economic impact on a substantial number of small entities, under the Regulatory Flexibility Act of 1980.

List of Subjects in 10 CFR Part 50

Antitrust, Classified Information, Fire Prevention, Intergovernmental Relations, Nuclear Power Plants and Reactors, Penalty, Radiation Protection, Reactor Siting Criteria, Reporting Requirements.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendment to 10 CFR Part 50 is published as a document subject to codification.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

1. The authority citation for Part 50 continues to read as follows:

Authority: Secs. 103, 104, 161, 182, 183, 189, 68 Stat. 936, 937, 948, 953, 954, 955, 956, as amended (42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2239); secs. 201, 202, 206, 88 Stat. 1243, 1244, 1246 (42 U.S.C. 5841, 5842, 5846), unless otherwise noted. Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80-50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Sections 50.100-50.102 issued under sec. 186, 68 Stat. 955 (42 U.S.C. 2236).

(For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), §§ 50.10(a), (b), and (c), 50.44, 50.46, 50.48, 50.54, and 50.80(a) are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 50.10 (b) and (c) and 50.54 are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 50.55(e), 50.59(b), 50.70, 50.71, 50.72, and 50.78 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. Paragraph (r) of § 50.54 is revised to read as follows:

§ 50.54 Conditions of licenses.

* * * * * *

(r) Each licensee who is authorized to possess and/or operate a research or test reactor facility with an authorized power level greater than or equal to 2 MW thermal, under a licensee of the type specified in § 50.21(c), shall submit emergency plans complying with 10 CFR Part 50, Appendix E, to the Director of the Office of Nuclear Reactor Regulation for approval by September 7, 1982. Each licensee who is authorized to possess and/or operate a research or test reactor facility with an authorized power level less than 2 MW thermal, under a license of the type specified in § 50.21(c), shall submit emergency plans complying with 10 CFR Part 50, Appendix E, to the Director of the Office of Nuclear Reactor Regulation for approval by November 3, 1982.

Dated at Washington, DC this 30th day of April, 1982.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 82-12295 Filed 5-5-82; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 22994; Amdt. 39-4380]

Airworthiness Directives; Societe Nationale Industrielle Aerospatiale Model SA-360C Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the **Federal Register** and makes effective as to all persons an amendment adopting a new airworthiness directive (AD) which was previously made effective as to all known U.S. owners and operators of certain Societe Nationale Industrielle Aerospatiale Model SA-360C series helicopters by individual telegrams. The AD requires inspection of the transmission housing and gimbal ring attachment flange for cracks, and replacement if cracks are found, and repair of any other defects. The AD is necessary to prevent loss of main rotor speed due to a failure in the engine to main transmission connection, which could result in loss of control of the helicopter.

DATES: Effective May 6, 1982, as to all persons except those persons to whom it was made immediately effective by telegraphic AD T80-21-52, issued October 8, 1980, which contained this amendment.

Compliance schedule—as prescribed in the body of the AD.

FOR FURTHER INFORMATION CONTACT: C. Christie, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium, Telephone: 513.38.30, or C. Chapman, Chief, Technical Standards Branch, AWS-110, FAA, 800 Independence Avenue, SW., Washington, D.C. 20591, Telephone: (202) 426-8374.

SUPPLEMENTARY INFORMATION: On October 8, 1980, telegraphic AD T80-21-52 was issued and made effective immediately as to all known U.S. owners and operators of certain Societe Nationale Industrielle Aerospatiale Model SA-360C series helicopters. The AD required a one-time inspection of the transmission housing and gimbal ring attachment flange for cracks, and replacement if cracks are found, and repair of any defects other than cracks. AD action was necessary to prevent loss of main rotor speed due to fatigue cracking in the main transmission housing and eventual failure in the engine to main transmission connection, which could result in loss of control of the helicopter.

Since it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to the public interest, and good cause existed for making the AD effective immediately by individual telegrams issued October 8, 1980, to all known U.S. owners and operators of certain Societe Nationale Industrielle Aerospatiale Model SA-360C series helicopters. These conditions still exist and the AD is hereby published in the **Federal Register** as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons. The model designation of the helicopter was incorrectly stated as AS-360C in the

telegraphic AD and has been corrected to read SA-360C. Editorial changes have been made for ease of reading.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

Societe Nationale Industrielle Aerospatiale. Applies to Model SA-360C series helicopters, certificated in all categories.

Compliance required as indicated, unless already accomplished.

To prevent loss of main rotor speed due to a failure in the engine to main transmission connection, within 10 hours time in service after the effective date of this AD, accomplish the following:

(a) Visually inspect for cracks and other defects in the two half housings and the gimbal ring attachment flange.

Note.—During the inspection required by paragraph (a) of this AD, particular attention should be directed to the attachment points/areas.

(b) Remove the upper housing half and visually inspect the flexible couplings on the clutch and main transmission sides at the attachment points for cracks, breaks, distortion, and fretting corrosion.

(c) Remove the nut from one of the bolts attaching the flexible coupling and check for correct positioning of the flectors.

Note.—1. The press-fit area of the flector bushings should be located on the flange side.

2. Upon re-installation of the nut, dry torque the nut to 4 to 5 mdaN. (30–35 ft lbs).

(d) Check the condition of the main transmission input coupling flange for marks, scores, and impacts.

(e) If during the inspections and checks required by paragraphs (a), (b), (c), and (d) of this AD, a crack is found, inspect the main transmisson flange for cracks using the dye penetrant method.

(f) If cracks are found during the inspections and checks required by paragraphs (a), (b), or (e) of this AD, before further flight, except as provided by paragraph (h) of this AD, replace the main transmission housing and gimbal ring attachment flange with a serviceable part.

(g) If no cracks are found during the inspections and checks required by paragraphs (a), (b), (c), (d), or (e) of this AD, repair other defects as necessary.

(h) The helicopter may be flown in accordance with FAR §§ 21.197 and 21.199 to a base where the inspections and repairs required by this AD can be accomplished provided paragraph (a) of this AD has been accomplished.

(i) Report defects found to the Chief, Aircraft Certification Staff, Europe, Africa and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium. Reporting approved by the Office of Management and Budget OMB No. 04-R0174.

Note.—Aerospatiale Work Cards No. 65-31-601, dated November 1976, and No. 65-31-401, dated June 1975, and Section 02.80 of the Aerospatiale Standard Practices Manual, refer to the inspections and checks required by this AD.

This amendment becomes effective May 6, 1982, as to all persons except those persons to whom it was made immediately effective by telegraphic AD T80-21-52, issued October 8, 1980, which contained this amendment.

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

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

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

Issued in Washington, D.C., on April 28, 1982.

George J. Pour,

Acting Director of Airworthiness, AWS-1.

[FR Doc. 82-12301 Filed 5-5-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Airworthiness Docket No. 82-ASW-16; Amdt. 39-4373]

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) requiring frequent inspections of the tail rotor blades installed on Aerospatiale Model AS350 and AS355 Series helicopters. The AD is needed to detect possible bond failure between the blade leading edge protection strip and the body of the blade. Loss of the strip may cause separation of the tail rotor from the helicopter due to severe unbalance of the tail rotor and subsequent loss of control of the helicopter.

DATES: Effective May 10, 1982. Compliance required as prescribed in the AD.

ADDRESSES: The applicable service information may be obtained from Aerospatiale Helicopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75051, Attention: Customer Support.

These documents may be examined at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas, or Rules Docket in Room 916, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C.

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

SUPPLEMENTARY INFORMATION: Partial bond failure of a tail rotor blade leading edge stainless steel protective strip reportedly occurred at 24 and 47 hours' total time in service on two Aerospatiale Model AS350/AS355 series helicopters. Separation of the protective strip from the blade may cause a severe unbalance of the tail rotor with resulting severe vibration of the tail rotor and possible separation of the tail rotor from the helicopter. Loss of the tail rotor in flight may cause loss of control of the helicopter. Since partial bond failure of the blade protective strip may exist or occur on other helicopters of the same type, an AD is issued for Aerospatiale Model AS350 and AS355 series helicopters to require frequent inspections of the blade strips at intervals not to exceed 10 hours' time in service until 100 hours' time in service has been attained. Tail rotor blades that have protection strips replaced in accordance with an FAA approved repair procedure are also subject to these frequent inspections until 100 hours' time in service has been attained after the repair. Bond failure after 100 hours' time in service should not occur.

Tail rotor blades having strips with partial bond failure that is more than 10 percent of the bond area must be removed before further flight.

Aerospatiale contends that a pilot can accomplish the inspections. The FAA does not agree. Interpretation of the inspection results is beyond the capability of a pilot. The pilot is therefore not permitted to accomplish the inspections.

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

Approximately one half of the U.S. fleet of Model AS350 and AS355 helicopters could be affected by the inspections specified in the AD for an estimated impact of approximately $14,000.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety.

Adoption of the Amendment

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

Societe Nationale Industrielle Aerospatiale (SNIAS). Applies to Model AS350 and AS355 Series helicopters certificated in all categories that are equipped with tail rotor blades P/N 350A.12.0030.01, 02, 04, or 05 (Airthworthiness Docket No. 82–ASW–16).

Compliance required before further flight after the effective date of this AD, and thereafter at intervals not to exceed 10 hours' time in service from the last inspection until the tail rotor blades attain 100 hours' or more total time in service since new or since replacement of the stainless steel leading edge strip.

To detect bond failure between each tail rotor blade body and the steel leading edge protective strip, inspect by tapping along the span and over the surface of the leading edge strip with a coin or similar device. Remove the affected tail rotor blade before further flight if a change in sound tone is found that indicates bond failure exceeds 10 percent of the strip bond area.

Equivalent means of compliance with this AD must be approved by the Chief, Aircraft Certification Staff, FAA Europe, Africa, and Middle East Office, c/o American Embassy, Brussels, Belgium.

(Aerospatiale Telex Service No. 2366 for all Model AS350 and AS355 operations dated February 4, 1982, pertains to this subject.)

This amendment becomes effective May 10, 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 considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final regulatory evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

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

Issued in Fort Worth, Texas, on April 21, 1982.

C. R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 82-12340 Filed 5-5-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-AGL-48]

Designation of Transition Area; St. Jacob, Ill.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate controlled airspace near St. Jacob, Illinois, to accommodate a new instrument approach into Shafer Metro East Airport, St. Jacob, Illinois, established on the basis of a request from the Shafer Metro East Airport officials to provide that facility with instrument approach capability utilizing the Troy, Illinois, VORTAC.

The intended effect of this action is to insure segregation of the aircraft using approach procedures instrument weather conditions from other aircraft operating under visual weather conditions.

EFFECTIVE DATE: July 8, 1982.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: To clarify the airspace area involved, the description of the transition area extension has been rewritten to make reference to the Shafer Metro East Airport in lieu of the Troy, Illinois, VORTAC; however, this will cause no change from the airspace area depicted on the map included in the Notice of Proposed Rulemaking dated January 20, 1982.

The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedures requires that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace.

Aeronautical maps and charts will reflect the area of the instrument procedure, which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Discussion of Comments

On page 65726 of the **Federal Register** dated February 8, 1982, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to establish a 700-foot controlled airspace transition area near St. Jacob, Illinois. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. One letter of objection was received from the owner of the Highland-Winet, Illinois, Airport and that spoke from an economic viewpoint. No objections from an aeronautical standpoint were received as a result of the Notice of Proposed Rulemaking.

List of Subjects in 14 CFR Part 71

Airspace, Airways, Special use airspace, Prohibited areas, Restricted areas.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective July 8, 1982, as follows:

In § 71.181 (46 FR 540), the following transition area is added:

St. Jacob, Ill.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Shafer Metro East Airport (latitude 38°43'55" N., longitude 89°48'17" W.), and within 1.75 miles each side of the Troy, Illinois, VORTAC facility 090° radial extending from the 5-mile radius to 6.5 miles west of the Shafer Metro East Airport.

(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)); § 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

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 is certified that this—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on April 13, 1982.

Paul K. Bohr,

Acting Director, Great Lakes Region.

[FR Doc. 82-12051 Filed 5-5-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-AGL-42]

Designation Transition Area, New Holstein, Wis.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate controlled airspace near New Holstein, Wisconsin, to accommodate a new instrument approach into New Holstein Municipal Airport, which was established on the basis of a request from the New Holstein Municipal Airport officials to provide that facility with instrument approach capability. The VOR/DME-A procedure under consideration will be based on the Oshkosh, Wisconsin, VORTAC.

The intended effect of this action is to insure segregation of the aircraft using approach procedures in instrument weather conditions from other aircraft operating under visual weather conditions.

EFFECTIVE DATE: July 8, 1982.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedures requires that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700 foot controlled airspace.

Aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Discussion of Comments

On page 62471 of the Federal Register dated December 24, 1981, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to establish controlled airspace near New Holstein, Wisconsin. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA.

No objections were received as a result of the Notice of Proposed Rulemaking.

List of Subjects in 14 CFR Part 71

Airspace, Airways, Special use airspace, Prohibited areas, Restricted areas.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective July 8, 1982, as follows:

In § 71.181 (46 FR 540), the following transition area is added:

New Holstein, Wis.

That airspace extending upward from 700 feet above the surface within a five mile radius of the New Holstein Municipal Airport (latitude 43°56'41" N., longitude 88°06'57" W) within two and one-half miles each side of the Oshkosh VORTAC 096 radial extending from the five mile radius area to seven miles west of the airport.

(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)); § 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

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 is certified that this—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on April 13, 1982.

Paul K. Bohr,

Acting Director, Great Lakes Region.

[FR Doc. 82-12050 Filed 5-5-82; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 385

Removal of Reference to Country Group P in § 385.2

AGENCY: Office of Export Administration, International Trade Administration, Commerce.

ACTION: Final rule.

SUMMARY: A document published in the Federal Register of December 29, 1981, pages 62836-62840, was intended to remove all references to Country Group P (People's Republic of China) from § 385.2 of the *Export Administration Regulations*, but the document failed to specify removal of the reference in paragraph (b) of that section. This rule, which neither expands nor limits the provisions of the Regulations, removes the reference to Country Group P in § 385.2(b).

DATE: Effective May 6, 1982.

FOR FURTHER INFORMATION CONTACT: Archie Andrews, Director, Exporters' Service Staff, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230 (Telephone: (202) 377-4811).

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements

In connection with various rulemaking requirements, the Office of Export Administration has determined that:

1. Under section 13(a) of the Export Administration Act of 1979 (Pub. L. 96-72, 50 U.S.C. app. 2401 *et seq.*) ("the Act"), this rule is exempt from the public participation in rulemaking procedures of the Administrative Procedure Act. This rule does not impose new controls on exports, and is therefore exempt from section 13(b) of the Act, which expresses the intent of Congress that where practicable "regulations imposing controls on exports" be published in proposed form.

2. This rule does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

3. This rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

4. This rule is not a major rule within the meaning of section 1(b) of Executive Order 12291 (46 FR 13193, February 19, 1981), "Federal Regulation."

Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis.

List of Subjects in 15 CFR Part 385:

Commodity Control List, Communist countries, Country groups, Export licenses, Exports.

Accordingly, the *Export Administration Regulations* (15 CFR Parts 368–399) are amended as follows:

PART 385—SPECIAL COUNTRY POLICIES AND PROVISIONS

§ 385.2 [Amended]

Paragraph (b) of § 385.2 is amended by removing the symbol "P."

(Secs. 13 and 15, Pub. L. 96–72, 93 Stat. 503, 50 U.S.C. app. § 2401 *et seq.*; Executive Order No. 12214 (45 FR 29783, May 6, 1980); Department Organization Order 10–3 (45 FR 6141, January 25, 1980); International Trade Organization and Function Orders 41–1 (45 FR 11862, February 22, 1980) and 41–4 (45 FR 65003, October 1, 1980).)

Dated: April 20, 1982.

Vincent F. DeCain,

Acting Director, Office of Export Administration.

[FR Doc. 82-12291 Filed 5-5-82; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 6

[T.D. 82-88]

Private Aircraft Arriving in the United States

AGENCY: Customs Service, Treasury.

ACTION: Rule.

SUMMARY: By an interim regulation published as T.D. 82–52 in the Federal Register on March 24, 1982 (47 FR 12620), section 6.14, Customs Regulations (19 CFR 6.14), was amended to extend the area of entry from which private aircraft arriving in the United States must furnish a notice of intended arrival to Customs. The interim regulation took effect on April 1, 1982. Section 6.14 had previously provided for a notice of intended arrival for private aircraft arriving in the United States via the U.S./Mexican border. The previous regulation further stated that the aircraft required to furnish such notice must land at *one* of the designated airports. T.D. 82–52 extended the notice requirement to private aircraft arriving in the United States via the Gulf of Mexico and Atlantic Coasts and further provided that the aircraft required to furnish such notice must land at the *nearest* designated airport to the border or coastline crossing point. The list of designated airports was also expanded. The amendment was necessary because of the severity of the drug abuse problem, the major increase in illegal importations, and the need for immediate action to expand the effectiveness of drug smuggling enforcement.

This document adds the Fort Lauderdale Executive Airport and Industrial Airpark, Fort Lauderdale, Florida, and the St. Lucie County International Airport, Fort Pierce, Florida, to the list of designated airports in section 6.14(g). It has been determined that it is necessary to add these airports to the list in order to retain the current level of service at these airports and to alleviate potential congestion at the other designated airports.

EFFECTIVE DATE: These additions to the list of designated airports are effective on May 6, 1982. The interim amendments to section 6.14 became effective on April 1, 1982.

FOR FURTHER INFORMATION CONTACT: Sidney A. Reyes, Arnold L. Sarasky, or David Austin, Office of Inspection, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–5607).

List of Subjects in 19 CFR Part 6

Customs duties and inspection, Air carriers, Air transportation, Aircraft, Airports.

Amendments to the Regulations

PART 6—AIR COMMERCE REGULATIONS

§ 6.14 [Amended]

Section 6.14(g), Customs Regulations (19 CFR 6.14(g)), is amended by inserting the Fort Lauderdale Executive Airport and Industrial Airpark, Fort Lauderdale, Florida, and the St. Lucie County International Airport, Fort Pierce, Florida, in appropriate alphabetical order in the list of designated airports.

(R.S. 251, as amended, sec. 624, 46 Stat. 759, sec. 1109, 72 Stat. 7999, as amended (19 U.S.C. 66, 1624, 49 U.S.C. 1509))

William von Raab,

Commissioner of Customs.

Approved April 21, 1982.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 82-12512 Filed 5-5-82; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) to reflect that the Secretary of the Navy: (1) Has determined that USS BOONE (FFG 28) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special function as a naval frigate, and (2) has found that USS BOONE (FFG 28) is a member of the FFG 7 class of ships, certain exemptions for which have been previously granted under 72 COLREGS Rule 38. The intended effect of this rule is to warn mariners in waters where the 72 COLREGS apply.

EFFECTIVE DATE: April 9, 1982.

FOR FURTHER INFORMATION CONTACT: Captain Richard J. McCarthy, JAGC, USN, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332, Telephone Number: (202) 325–9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in Executive Order 11964 and 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS BOONE (FFG 28) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS: Rule 21(a) regarding the arc of visibility of its forward masthead light; Annex I, Section 2(a)(i), regarding the height above the hull of its forward masthead light; and Annex I, Section 3(b),

regarding the horizontal relationship of its sidelights to its forward masthead light, without interfering with its special function as a Navy frigate. The Secretary of the Navy has also certified that the above-mentioned light is located in closest possible compliance with the applicable 72 COLREGS requirements.

Notice is also provided to the effect that USS BOONE (FFG 28) is a member of the FFG 7 class of ships for which certain exemptions, pursuant to 72 COLREGS Rule 38, have been previously authorized by the Secretary of the Navy. The exemptions pertaining to that class, found in the existing tables of a § 706.3, are equally applicable to this ship. Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary and contrary to public interest since it is based on technical findings that the placement of lights on this ship in a manner different from that prescribed herein will adversely affect the ship's ability to perform its military function.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), Vessels.

PART 706—CERTIFICATIONS AND EXEMPTIONS UNDER THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISONS AT SEA, 1972

Accordingly, 32 CFR Part 706 is amended as follows:

§ 706.2 [Amended]

1. Table One of § 706.2 is amended as follows to indicate the certifications issued by the Secretary of the Navy:

Vessel	Number	Distance in meters of forward masthead light below minimum required height, § 2(k)(i) Annex I
* * * * *		
USS BOONE	FFG 28	1.6
* * * * *		

2. Table Four of § 706.2 is amended by adding to the existing paragraph 8 the following vessel for which navigational light certifications are herewith issued by the Secretary of the Navy: USS BOONE (FFG 28).

3. Table Four of § 706.2 is amended by adding to the existing paragraph 9 the following vessel for which navigational light certifications are herewith issued by the Secretary of the Navy:

Vessel	Number	Distance of sidelights forward of masthead lights in meters
* * * * *		
USS BOONE	FFG 28	2.75

(Executive Order 11964; 33 U.S.C. 1605)

Dated: April 9, 1982.

Approved:

John Lehman,

Secretary of the Navy.

[FR Doc. 82-12334 Filed 5-5-82; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 80, 93, 94, 95, and 96

[CGD 82-029]

Regulation Update for Inland Navigation Rules

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This regulation removes from Title 33 of the Code of Federal Regulations the pilot rules for inland waters and western rivers as well as their respective interpretive rules, and other references that are no longer in effect due to the enactment of the new Inland Navigation Rules. This action is editorial and does not add or delete any legal requirements on the public.

EFFECTIVE DATE: The effective date of this regulation is June 7, 1982.

FOR FURTHER INFORMATION CONTACT: LCDR Kent Kirkpatrick, Project Manager, Office of Navigation, Room 1606, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593, (202) 245-0108.

SUPPLEMENTARY INFORMATION: The Inland Navigational Rules Act of 1980 (Pub. L. 96-591, 33 U.S.C. 2001) established a new set of navigation rules which superseded the old Inland Rules, the Western Rivers Rules, their respective regulatory pilot rules, and parts of the Motorboat Act of 1940. The effective date of the new rules was December 24, 1981, except for the Great Lakes, where the date has been established as March 1, 1983. The Inland Navigational Rules Act repealed the old statutory navigation rules and did not contain a savings clause which would have preserved the validity of the regulations that had been issued under the authority of the old statutes. The regulations, however, would remain on the books even though no longer valid, unless removed by administrative action. This action removes those sections which are now invalid.

References to the old navigation rules appear in several places in the regulations which will remain in effect. These references are also being deleted.

Parts 93 through 96, containing the old pilot rules for inland waters and western rivers, and the interpretive rulings for those parts, are being removed. Parts 97 and 98, the pilot rules and interpretive rulings for the Great Lakes, will be deleted after the Inland Rules become effective on the Great Lakes on March 1, 1983.

Part 80 is amended to delete references to the Inland Waters and Western Rivers rules and interpretive rulings.

Part 92, Anchorage and navigation regulations; St. Mary's River, Michigan, will be amended and moved to another location in Title 33, Code of Federal Regulations by a separate rulemaking action.

List of Subjects in 33 CFR Parts 80, 93, 94, 95, and 96

Navigation (water), Waterways.

Drafting Information

The principal persons involved in drafting this rulemaking are LCDR Kent Kirkpatrick, Project Manager, Office of Navigation, and Lieutenant Michael Tagg, Project Attorney, Office of Chief Counsel.

Regulatory Evaluation

This regulation removes obsolete materials from the Code of Federal Regulations, and does not substantively change existing requirements or responsibilities of either the public or the Coast Guard. As this rulemaking is solely editorial, the Coast Guard for good cause finds that notice and comments are unnecessary. The rulemaking has been determined to be non-major under Executive Order 12291 and and non-significant under the provisions of DOT Order 2100.5 of May 22, 1980. Since the rulemaking has no

impact, it is certified under section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164, 5 U.S.C. 601) that the rule will not have a significant economic impact on a substantial number of small entities.

PART 80—COLREGS DEMARCATION LINES

Accordingly, Title 33 of the Code of Federal Regulations is amended as follows:

1. Section 80.01 is revised to read as follows:

§ 80.01 General basis and purpose of demarcation lines.

(a) The regulations in this part establish the lines of demarcation delineating those waters upon which mariners shall comply with the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) and those water upon which mariners shall comply with the Inland Navigation Rules.

(b) The waters inside of the lines are Inland Rules waters. The waters outside the lines are COLREGS waters.

(c) The regulations in this part do not apply to the Great Lakes or their connecting and tributary waters as described in Part 97 of this chapter.

§ 80.820 [Removed]

2. Section 80.820 is removed.

PART 93 [REMOVED]

3. Part 93, Pilot Rules for Inland Waters, is removed.

PART 94 [REMOVED]

4. Part 94, Interpretive Rulings—Inland Rules, is removed.

PART 95 [REMOVED]

5. Part 95, Pilot Rules for Western Rivers, is removed.

PART 96 [REMOVED]

6. Part 96, Interpretive rulings, is removed.

(Sec. 3, Pub. L. 96-591, 33 U.S.C. 2071, 49 CFR 1.46(n)(14))

Dated: April 13, 1982.

R. A. Badman,

Rear Adminral, U.S. Coast Guard, Chief, Office of Navigation.

[FR Doc. 82-12382 Filed 5-5-82; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 110

[CCGD11-80-08]

Anchorage Grounds, Los Angeles and Long Beach Harbors, California

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard has revised the anchorage regulations for Long Beach Harbor, California. The affected area lies along the Long Beach shoreline from the mouth of the Los Angeles River to the west jetty at the entrance to Alamitos Bay. This area has experienced an increase in recreational boating use over the last few years and present marina construction activity will inject over 2,000 more pleasure craft into this area. The need for adequate control of vessel activity in this area is paramount if the safety for the boating public is to be maintained.

EFFECTIVE DATE: This amendment becomes effective on June 7, 1982.

FOR FURTHER INFORMATION CONTACT: Commander Lindon A. Onstad, Marine Safety Division, Eleventh Coast Guard District, 400 Oceangate, Long Beach, California 90822. Phone Number: (213) 590-2301.

SUPPLEMENTARY INFORMATION: On February 11, 1982, the Coast Guard published a notice of proposed rulemaking in the **Federal Register** for these regulations (47 FR 6288). Interested persons were requested to submit comments and no comments were received.

Drafting Information

The principal persons involved in drafting the proposal are: Commander Lindon A. Onstad, Project Officer, Marine Safety Division, Eleventh Coast Guard District; and Lieutenant William P. Athayde, Project Attorney, District Legal Office, Eleventh Coast Guard District.

Discussion of Comments

There were no comments received.

Summary of Final Evaluation

These proposed regulations are considered to be nonsignificant in accordance with the guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80). An economic evaluation of the proposal was not conducted since its impact is expected to be minimal. The proposed regulations are not considered major in accordance with the guidelines established in E.O. 12291 addressing regulatory review. The amendment imposes no economic burden and benefits all small vessel owners through the effective and efficient management of the water areas of Queensway Bay. In accordance with sec. 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that these rules will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

PART 110—ANCHORAGE REGULATIONS

Final Regulations

In consideration of the foregoing, Part 110 of Title 33, Code of Federal Regulations is amended as follows:

1. By revising the geographical description of Commercial Anchorage E found in § 110.214(a)(5) to read as follows:

§ 110.214 Los Angeles and Long Beach Harbors, Calif.

(a) * * *

(5) Commercial Anchorage E (Long Beach Harbor). An area enclosed by a line beginning at the southeastern point of Pier J at latitude 33°44'18.6" N, longitude 118°11'06.7" W.; thence northerly to latitude 33°45'06.5" N., longitude 118°11'06.7" W.; thence easterly to the southern lighted marker on Island White at latitude 33°45'06.3" N., longitude 118°09'31.0" W.; thence southeasterly to latitude 33°44'35.5" N., longitude 118°08'10.1" W.; thence southerly to latitude 33°44'19.0" N., longitude 118°08'10.1" W.; thence westerly to the southwest lighted marker on Island Chaffee at latitude 33°44'20.0" N., longitude 118°08'20.0" W.; thence westerly to the southeast lighted marker on Island Freeman at latitude 33°44'23.6" N., longitude 118°09'39.1" W.; thence along the south shore of Island Freeman to the southwest lighted marker at latitude 33°44'25.2" N., longitude 118°09'46.0" W.; thence westerly to the beginning point.

* * * * *

2. By revising § 110.214(a)(12) to read as follows:

§ 110.214 [Amended]

(a) * * *

(12) General Anchorage P (Long Beach Harbor). An area enclosed by a line beginning at Alamitos Bay West Jetty Light "1" at latitude 33°44'14.2" N., longitude 118°07'16.2" W.; thence northwesterly to the northwest corner of Nonanchorage W at latitude 33°44'20.6" N., longitude 118°07'28.5" W.; thence

northwesterly to the southern lighted marker on Island White at latitude 33°45'06.3" N., longitude 118°09'31.0" W.; thence along the eastern shoreline of Island White to the northern lighted marker at latitude 33°45'13.5" N., longitude 118°09'31.0" W.; thence northwesterly to latitude 33°45'37.1" N., longitude 118°10'35.5" W.; thence northerly to the shoreline at latitude 33°45'49.6" N., longitude 118°10'35.5" W.; thence easterly and southerly along the Long Beach shoreline and the Alamitos Bay west jetty to the beginning point.

(i) In this anchorage the requirements of recreational and other small craft shall predominate.

(ii) Anchoring, mooring and recreational boating activities conforming to applicable City of Long Beach ordinances and regulations adopted pursuant thereto are allowed in this anchorage.

* * * * *

3. By correcting the coordinates for the northeastern corner of Commer-Anchorage E found in the description of General Anchorage Q (110.214(a) (13)) to read latitude 33°44'35.5" N., longitude 118°08'10.1" W.

4. By adding a new paragraph (a)(18) to § 110.214 to read as follows:

(a) * * *

(18) Nonanchorage X (Long Beach Harbor). Mouth of the Los Angeles River (Queensway Bay). The waters extending westward and northward to the head of navigation from a line beginning at the southeastern point of Pier J at latitude 33°44'18.6" N., longitude 118°11'06.7" W.; thence northerly to latitude 33°45'06.5" N., longitude 118°11'06.7" W.; thence easterly to the southern lighted marker on Island White at latitude 33°45'06.3" N., longitude 118°09'31.0" W.; thence along the eastern shoreline of Island White to the northern lighted marker at latitude 33°45'13.5" N., longitude 118°09'31.0 W.; thence northwesterly to latitude 33°45'37.1" N., longitude 118°10'35.5" W.; thence northerly to the shoreline at latitude 33°45'49.6" N., longitude 118°10'35.5" W.

(i) In Nonanchorage X the requirements of recreational and other small craft shall predominate.

(ii) No vessel may anchor in this area.

(iii) Mooring and recreational boating activities which conform to applicable City of Long Beach ordinances and regulations adopted pursuant thereto are allowed in Nonanchorage X.

(Sec. 7, 38 Stat 1053, as amended, (33 U.S.C. 471); sec. 6(g)(1)(A), 80 Stat 937, (49 U.S.C. 1655(g)(1)(A)); 49 CFR 1.46(c)(1); 33 CFR 1.05-1(g))

Dated: April 12, 1982.

A. P. Manning,

Rear Admiral, U.S. Coast Guard, Commander, Eleventh Coast Guard District.

[FR Doc. 82-12361 Filed 5-5-82; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL-2066-1]

Approval and Promulgation of Implementation Plans; Minnesota

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: This notice announces EPA's final rulemaking on the State of Minnesota's Part D plan to attain the primary and secondary total suspended particulate (TSP) ambient air quality standards in the Twin Cities Seven County Metropolitan Area and the City of Duluth.

In the November 20, 1981 **Federal Register** (46 FR 57061), EPA proposed to approve the overall TSP plan, which includes numerous State rules, as a revision to the Minnesota SIP. A thirty day public comment period was provided until December 21, 1981. During that time one comment was received from the State of Minnesota regarding APC-29, Standards of Performance for Grain Handling Facilities. In a January 22, 1982, letter the State requested a conditional approval of APC-29. After review of the State's comment and request, EPA takes final action today to approve the State's TSP strategy with the exception of APC-29 which is conditionally approved.

EFFECTIVE DATE: This final rulemaking becomes effective June 7, 1982.

ADDRESSES: Copies of the SIP revision are available for inspection at the following addresses:

Environmental Protection Agency, Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

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

Minnesota Pollution Control Agency, 1935 West County Road B-2, Roseville, Minnesota 55113.

FOR FURTHER INFORMATION CONTACT: Delores Sieja, Regulatory Analysis Section, Air Programs Branch, EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6038.

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 8962) and on October 5, 1978 (43 FR 45993), pursuant to the requirements of Section 107 of the Clean Air Act (the Act), EPA designated certain areas in each state as nonattainment with respect to the National Ambient Air Quality Standards (NAAQS) for total suspended particulates (TSP).

In Minnesota, Air Quality Control Region 131 (the Twin Cities Seven County Metropolitan Area including Hennepin, Ramsey, Scott, Carver, Washington, Dakota, and Anoka Counties, as well as the major cities of Minneapolis and St. Paul) and portions of the City of Duluth are designated nonattainment for the primary and secondary TSP NAAQS. The Cities of Red Wing, East Grand Forks, International Falls, Cloquet, and Silver Bay and portions of the Mesabi Iron Range are designated nonattainment for the secondary TSP NAAQS. EPA notes that on February 24, 1982 the State of Minnesota (State) submitted redesignation requests for the cities of East Grand Forks and Silver Bay. EPA's rulemaking action on these requests will be published in the near future.

Part D of the Act, which was added by the 1977 Amendments, requires each State to revise its SIP to meet specific requirements for areas designated as nonattainment. The requirements for an approvable SIP are described in a **Federal Register** notice published April 4, 1979 (44 FR 20372). Supplements to the April 4, 1979, notice were published July 2, 1979 (44 FR 38583), August 28, 1979 (44 FR 50371), September 17, 1979 (44 FR 53761), and November 23, 1979 (44 FR 67182).

These SIP revisions must demonstrate attainment of the primary NAAQS as expeditiously as practicable, but not later than December 31, 1982. On August 4, 1980 and October 17, 1980, the State submitted TSP control strategies for the primary and secondary nonattainment areas within the Twin Cities Seven County Metropolitan Area and the City of Duluth. As part of the control strategies, the State on January 5, 1981, submitted Rule APC-33, Standards of performance for coal handling facilities, and on January 23, 1981, submitted amendments to their existing rules and added certain new regulations.

The plans submitted for these nonattainment areas contain a strategy that consists of reasonably available control technology (RACT) on traditional (point and fugitive emission) sources and a commitment to study nontraditional (fugitive dust) sources. These plans are intended to insure

attainment of the primary TSP NAAQS by December 31, 1982 and the secondary TSP NAAQS by December 31, 1985. Following is a brief description of the controls:

I. Traditional Control

The strategy for controlling point and fugitive emission sources is based upon (1) rules that limit particulate emissions through the application of RACT, (2) rules that provide for compliance testing procedures and other general requirements, and (3) a permit procedure requiring the application of RACT measures for fugitive emission sources emitting controlled particulate emissions over 25 tons per year. These permits must be submitted to EPA as SIP revisions.

II. Nontraditional Control

The State submitted schedules for the Twin Cities and Duluth areas which present a means for assessing nontraditional source control measures, formulating appropriate control strategies, and implementing legally enforceable provisions to deal with the source.

Based on its review of the control strategies for the Twin Cities Seven County Metropolitan Areas and the City of Duluth, EPA, on November 20, 1981 (46 FR 57061) proposed to approve Minnesota's SIP revision as meeting all applicable requirements for Part D TSP SIPs.

A thirty day public comment period was provided for interested individuals to submit their comments on the proposed revisions to the Minnesota SIP and on EPA's proposed approval. During the public comment period EPA received one comment from the MPCA. The MPCA's comment relates to Rule APC–29, Standards of Performance for Grain Handling Facilities.

In its notice of proposed rulemaking, EPA stated that the opacity limits contained in APC–11, Restriction of Emission of Visible Air Contaminants, would apply to sources regulated under APC–29. In their December 18, 1981 comment the MPCA stated that APC–11 sets forth opacity limitations for an emission facility for which a specific standard of performance has not been promulgated in another regulation. MPCA interprets APC–29 as having a standard of performance requirement and contends that only the provisions of APC–29, rather than APC–11, apply to grain handling facilities.

However, the MPCA recognizes that problems exist in APC–29 with respect to the enforceability of RACT emission limitations and is in the process of amending the rule. Their amendments will include the addition of opacity limitations similar to those contained in APC–11. Therefore, in a letter dated January 22, 1982 the State requested a conditional approval of APC–29 and committed itself to submit the amended rule, containing opacity limits, to EPA by December 31, 1982.

After review of the State's comment and request, EPA is conditionally approving APC–29. EPA notes that the condition may be satisfied in two ways. The State may either (1) submit an amended APC–29 which contains specific opacity limits that are representative of RACT levels of control, or (2) submit operating permits and/or stipulation agreements for the grain handling facilities in these two nonattainment areas which contain opacity limitations equivalent to RACT control levels. Whatever option is chosen, the State must submit the material to EPA by December 31, 1982, as a revision to the Minnesota SIP. This deadline is proposed for public comment today in a separate **Federal Register** action.

If the State submits the required material by December 31, 1982, EPA will follow the procedures described below in determining if the State has satisfied the approval condition.

(1) In a **Federal Register** notice EPA will announce that the material (a) has been received, (b) is available for public comment, and (c) will not affect the conditional approval until EPA acts on the material.

(2) EPA will then evaluate the material and any public comments to determine if the condition has been met. If it has, in a notice of final rulemaking, EPA will then fully approve the rule and consequently the entire TSP control plan. If the condition has not been fully met, EPA will withdraw the conditional approval and disapprove the plan. If the plan is disapproved, the Section 110(a)(2)(I) restrictions on construction will be in effect.

If the State fails to submit the required materials by December 31, 1982 EPA will publish a **Federal Register** notice announcing that the conditional approval is withdrawn, the SIP is disapproved, and Section 110(a)(2)(I) restrictions on growth are in effect.

For a discussion of conditional approval and its practical effect, see 44 FR 38583 (July 2, 1979) and 43 FR 67182 (November 23, 1979).

Final Determination

The strategy to reduce particulates in the Twin Cities Seven County Metropolitan Area and the City of Duluth consists of (1) rules and a permit procedure to control point and fugitive emission sources and (2) a schedule to implement nontraditional source control. EPA is today approving the State of Minnesota's strategy to control particulates in these two areas with the exception of APC–29 which EPA is conditionally approving. Below is a list of the rules which EPA is acting on today.

Rule	Description	Action
APC–2	Definitions, abbreviations, applicability of standards, access to premisses, variances, circumvention, severability.	Approved.
APC–4	Standards of performance for fossil fuel-burning indirect heating equipment.	Particulate limits approved.[1]
APC–5	Standards of performance for industrial process equipment.	Approved.
APC–7	Standards of performance for incinerators.	Do.
APC–11	Restriction of emission of visible air contaminants.	Do.
APC–18	Emission source monitoring, performance tests, reports, shutdowns and breakdowns.	Do.
APC–22	Standards of performance for portland cement plants.	Do.
APC–23	Standards of performance for asphalt concrete plants.	Do.
APC–24	Standards of performance for petroleum refineries.	Particulate limits approved.[1]
APC–25	Standards of performance for secondary lead smelters.	Approved.
APC–26	Standards of performance for secondary brass and bronze ingot production plants.	Do.
APC–28	Standards of performance for sewage sludge incinerators.	Do.
APC–29	Standards of performance for grain handling facilities.	Conditionally approved.
APC–32	Standards of performance for fossil fuel-burning direct heating equipment.	Particulate limits approved.[1]
APC–33	Standards of performance for coal handling facilities within designated areas.	Approved.[2]

[1] This rule provides standards for control of particulates, as well as for other criteria pollutants. EPA's proposed action on this rule as it applies to other pollutants will be published shortly.

[2] This rule provides, in Section G, an alternative test method provision. For reasons stated in the November 20, 1981 notice of proposed rulemaking (46 FR 57061), EPA takes no action on this provision.

The measures which EPA is approving today will be in addition to, and not in lieu of, existing SIP regulations. The present emission control regulations for any source will remain applicable and enforceable to prevent a source from operating without controls, or under less stringent controls, while it is moving toward compliance with the new regulations or if it chooses, challenging the new regulations. In some instances, the present emission control regulations contained in the federally-approved SIP are different from the regulations currently being enforced by the State. In these situations, the present federally-approved SIP will remain applicable and enforceable until there is compliance with the newly promulgated and federally-approved regulations. Failure of a source to meet applicable pre-existing regulations will result in

appropriate enforcement action, including assessment of noncompliance penalties. Furthermore, if there is any instance of delay or lapse in the applicability of the new regulations, because of a court order or for any other reason, the pre-existing regulations will be applicable and enforceable.

The only exception to this rule is in cases where there is a conflict between the requirements of the new regulations and the requirements of the existing regulations such that it would be impossible for a source to comply with the pre-existing SIP while moving toward compliance with the new regulations. In these situations, the State may exempt a source from compliance with the pre-existing regulations. Any exemption granted will be reviewed and acted on by EPA.

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

Pursuant to the provisions of 5 U.S.C. 605(b), I have certified that approvals of SIPs under sections 110 and 172 of the Act will not have a significant economic impact on a substantial number of small entities. Today's action approves and conditionally approves a State action under Sections 110 and 172 of the Act. It imposes no new requirements beyond which the State has already imposed.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirements of a regulatory impact analysis. Today's action does not constitute a major regulation since it approves and conditionally approves provisions which the State adopted and submitted to EPA. Thus, no additional requirements will be imposed on these sources. This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

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

List of Subjects in 40 CFR Part 52

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

(Secs. 110(a) and 172 of the Clean Air Act, as amended)

Dated: April 26, 1982.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40 of the Code of Federal Regulations, Chapter I, Part 52 is amended.

1. Section 52.1220(c) is amended by adding new subparagraph (20) to read as follows:

§ 52.1220 Identification of plan.

* * * * *

(c) * * *

(20) On August 4, 1980, and October 17, 1980, the State submitted its total suspended particulate Part D control plans for the Twin Cities Seven County Metropolitan Area and the City of Duluth. As part of the control strategies the State on January 5, 1981 submitted rule APC-33 and on January 23, 1981 further submitted amended and new rules. The amended and new rules that control total suspended particulate (TSP) emissions are: Amended APC-2, APC-4, APC-5, APC-7, APC-11; and new APC-18, APC-21, APC-22, APC-23, APC-24, APC-25, APC-26, APC-28, APC-29, and APC-32. Regulations APC-4, APC-24, and APC-32 are only approved as they apply to TSP emissions.

2. Section 52.1226 is revised to read as follows:

§ 52.1226 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. The dates reflect the information presented in Minnesota's plan except where noted.

Air quality control region and nonattainment area	TSP		SO_2		NO_x	CO	O_3
	Primary	Secondary	Primary	Secondary			
Central Minnesota Interstate (AQCR-127):							
a. Primary/secondary nonattainment areas.	j	h	h	h	h	f	j.
b. Remainder of AQCR	c	a	d	d	d	d	d.
Southeast Minnesota—LaCrosse (Wisconsin) Interstate (AQCR-128):							
a. Primary/secondary nonattainment areas.	h	i	f	h	h	f	j.
b. Remainder of AQCR	c	a	a	a	d	d	d.
Duluth (Minnesota)—Superior (Wisconsin) Interstate (AQCR-129):							
a. Primary/secondary nonattainment areas.	f	k	h	h	h	f	j.
b. Remainder of AQCR	a	a	c	a	d	d	d.
Metropolitan Fargo (North Dakota)—Moorhead (Minnesota) Interstate (AQCR-130):							
a. Primary/secondary nonattainment areas.	h	h	h	h	h	h	h.
b. Remainder of AQCR	c	a	d	d	d	d	d.
Minneapolis-St. Paul Interstate (AQCR-131).	f	h	f	h	h	f	j.
Northwest Minnesota Interstate (AQCR-132):							
a. Primary/secondary nonattainment areas.	h	i	h	h	h	h	h.
b. Remainder of AQCR	c	a	d	d	d	d	d.
Southwest Minnesota Interstate (AQCR-133).	d	d	d	d	d	d	d.

a. July 1975.
b. Five years from plan approval or promulgation.
c. Air quality levels presently below primary standards or area is unclassifiable.
d. Air quality levels presently below secondary standards or area is unclassifiable.
e. Transportation and/or land use control strategy to be submitted no later than April 15, 1978.
f. December 31, 1982.
g. December 31, 1987.
h. Not applicable.
i. Eighteen-month extension granted.
j. Attainment dates to be specified in the future.
k. For the secondary nonattainment area of Duluth, Minnesota, located in AQCR-129, attainment of the secondary standard is to be achieved by December 31, 1985. For all other secondary nonattainment areas within this AQCR the attainment date will be specified in the future.

NOTE 1.—For actual nonattainment designations refer to 40 CFR Part 81.

NOTE 2.—Dates or footnotes which are italicized are prescribed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable.

NOTE 3.—Sources subject to plan requirements and attainment dates established under Section 110(a)(2)(A) prior to the 1977 Clean Air Act Amendments remain obligated to comply with those requirements by the earlier deadlines. The earlier attainment dates are set out at 40 CFR 52.1226.

3. Section 52.1230 is revised as follows:

§ 52.1230 Control strategy and rules: Particulates.

(a) *Part D—Conditional Approval.* The attainment demonstration for the

Twin Cities Seven County Metropolitan Area and the City of Duluth is approved provided that the following condition for rule APC-29 is satisfied by a specified date. The State submit either an amended APC-29 which contains specific opacity limits that are representative of RACT levels of control; or operating permits and/or stipulation agreements which contain opacity limitations equivalent to reasonable available control technology levels.

(b) *Part D—No Action.* EPA takes no action on the alternative test method provision of Section G contained in rule APC-33.

[FR Doc. 82-12330 Filed 5-5-82; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[A-7-FRL-2117-5]

Approval and Promulgation of Implementation Plans; State of Missouri; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rulemaking published on January 5, 1981 (46 FR 899). The purpose of the January 5 notice was, in part, to amend the attainment dates for the National Ambient Air Quality Standards in the air quality control regions of the State of Missouri. In doing so, the footnotes at the bottom of the table in § 52.1332 were inadvertently omitted. Today's action corrects that deficiency.

EFFECTIVE DATE: This correction is effective May 6, 1982.

FOR FURTHER INFORMATION CONTACT: Wayne G. Leidwanger, Air Branch, Environmental Protection Agency, Kansas City, Missouri 64106; (816) 374-3791 (FTS 758-3791).

Dated: April 23, 1982.

William Rice,

Regional Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Accordingly, 40 CFR Part 52, Subpart AA—Missouri, is corrected by adding the following footnotes at the bottom of the table in § 52.1332:

§ 52.1332 Attainment dates for national standards.

* * * * *

[1] Hydrocarbons.

Note.—Sources subject to plan requirements and attainment dates established under section 110(a)(2)(A) prior to the 1977 Clean Air Act Amendments remain obligated to comply with these requirements by the earlier deadlines. The earlier attainment dates are set out at 40 CFR Part 52 (1978) § 52.1332.

Only portions of those AQCRs with attainment dates after July, 1975 have new attainment dates under the 1977 Clean Air Act Amendments. The reader is referred to 40 CFR Part 81 for identification of the designated areas under section 107(d) of the Act.

a. July 1975.

b. December 31, 1982.

c. December 31, 1987.

d. Air quality levels presently below secondary standards.

e. Secondary standard attainment date to be determined by secondary attainment plan.

[FR Doc. 82-12333 Filed 5-5-82; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[Docket No. AH300 a/b/e/VA; A-3-FRL-1975-2]

Approval of Revisions to Virginia Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The purpose of this Notice is to approve portions of the State Implementation Plan (SIP) revisions submitted by the Commonwealth of Virginia on December 17, 1979, May 15, 1980 and April 3, 1981. EPA is taking no action on several sections of the December 17, 1979 submittal pending revision by the Commonwealth.

This revised SIP pertains to those areas in Virginia designated as nonattainment for the ozone and carbon monoxide National Ambient Air Quality Standards (NAAQS).

EFFECTIVE DATE: June 7, 1982.

ADDRESSES: Copies of the revisions, accompanying support material and EPA's Rationale Document supporting this rulemaking are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Air Programs & Energy Branch, Curtis Building, 6th & Walnut Streets, Philadelphia, PA 19106. ATTN: Ms. Patricia Sheridan.

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

Virginia State Air Pollution Control Board, Ninth Street Office Building, Room 1106, Richmond, Virginia 23219. ATTN: Mr. John M. Daniel, Jr.

Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT: Ms. Eileen M. Glen (3AH13), Air Media & Energy Branch, Environmental Protection Agency, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, Telephone: 215/597-8187.

SUPPLEMENTARY INFORMATION: The Administrator of the Environmental Protection Agency (EPA), in accordance with the requirements of Section 107 of the Clean Air Act, as amended, designated certain areas of Virginia as nonattainment for ozone and carbon monoxide. (See 43 FR 8962, March 3, 1978; 43 FR 40502, September 12, 1978; and, 45 FR 43412, June 27, 1980.) These designations are indicated below:

Ozone

1. Valley of Virginia Intrastate AQCR: Roanoke City, Roanoke County, Salem City; hereinafter referred to as the "Roanoke" area.

2. Northeastern Virginia Interstate AQCR: Stafford County; hereinafter referred to as the "Stafford County" area.

3. State Capital Intrastate AQCR: Richmond City, Henrico County, and Chesterfield County; hereinafter referred to as the "Richmond" area.

4. Hampton Roads Intrastate AQCR: The cities of Chesapeake, Norfolk, Portsmouth, Suffolk, Virginia Beach, Newport News, and Hampton; hereinafter referred to as the "Peninsula" area.

5. National Capital Interstate AQCR.

Carbon Monoxide

1. National Capital Interstate AQCR: City of Alexandria, Arlington County, and Fairfax County; hereinafter referred to as the "Northern Virginia" area.

As a consequence of these designations, the Commonwealth of Virginia was required to develop, adopt and submit to EPA revisions to its SIP for these nonattainment areas.

On January 11, 1979, the Commonwealth submitted its basic nonattainment plan (EPA Docket No. AH300VA). EPA conditionally approved this revision on August 19, 1980 at 45 FR 55180. Several subsequent submittals were made by the Commonwealth which correct deficiencies or revise the basic SIP. These submittals are the subject of separate rulemakings, but are discussed briefly in the Rationale Document.

On December 17, 1979, the Commonwealth submitted a SIP revision that was designed to show attainment of

the .12 ppm statistical ozone standard and to implement the Round II CTG's (Control Technique Guidelines published by EPA between January 1978 and January 1979). See EPA Docket No. AH300aVA.

On May 15, 1980, the Commonwealth submitted its Inspection and Maintenance (I/M) legislation and a schedule for implementing this program in the Richmond and Northern Virginia nonattainment areas (EPA Docket No. AH300bVA).

On April 3, 1981, the Commonwealth submitted a revised schedule for the implementation of the I/M program in Northern Virginia. The revised schedule contains interim dates requested by EPA (EPA Docket No. AH300eVA).

These three submittals are the subject of this rulemaking and are discussed in detail in the Rationale Document.

In general, the SIP is required to provide for attainment and maintenance of the NAAQS for all areas which have been designated "nonattainment" pursuant to Section 107 of the Clean Air Act. Specific requirements for an approvable SIP are discussed in detail in the April 4, 1979 **Federal Register** (44 FR 20372); as amended by 44 FR 38583, July 2, 1979; 44 FR 50371, August 28, 1979; 44 FR 53761, September 17, 1979; and, 44 FR 67182, November 23, 1979.

EPA Evaluation

The Commonwealth provided proof that, after adequate public notice, public hearings were held with regard to these amendments. The submittal dates of the amendments, as well as the dates and locations of the public hearings, are summarized below:

Submittal date	Public hearing date	Locations
Dec. 17, 1979	Sept. 17, 1979	Richmond, Abingdon, Radford, Lynchburg, Fredericksburg, Virginia Beach and Falls Church.

The May 15, 1980 submittal consists of the State Statute and a revision to Chapter 9 of the Richmond and Northern Virginia plans only. Chapter 9 contains a schedule for the implementation of an I/M program in these two areas. Two of its interim milestones are the adoption of regulations and motor vehicle emission standards. At the time these regulations and standards are proposed by the Commonwealth, a public hearing will be held.

The April 3, 1981 submittal consists of a revision to the Chapter 9 I/M implementation schedule for the Northern Virginia area only. The revised schedule contains additional interim milestones but does not change the final implementation date of January 1, 1982. As a minor revision to the schedule, it was not subject to the public hearng requirements. (See Rationale Document for further information.)

On April 7, 1981 (46 FR 20692), EPA published a proposed rulemaking pertaining to the December 17, 1979 and May 15, 1980 submittals. The April 3, 1981 submittal consists of only minor revisions to the I/M implementation schedule submitted in response to EPA's request for interim milestones. As such, EPA does not believe that it must propose this revision before taking final action.

Although the May 15, 1980 submittal proposes implementation of the Inspection and Maintenance (I/M) program in both the Richmond and Northern Virginia nonattainment areas, a February 16, 1981 submittal by the Commonwealth demonstrated attainment of the ozone standard in Richmond by December 31, 1982. Thus I/M is no longer necessary in the Richmond area. This revision was proposed for approval on September 14, 1981 (46 FR 45628). Final approval of the revision is being published in a separate notice.

For a detailed discussion of EPA's proposed actions and final evaluation, the reader should refer to the April 7, 1981 **Federal Register** (46 FR 20692) and the Rationale Document.

In response to the call for public comments in the April 7, 1981 **Federal Register**, EPA received comments from the Virginia State Air Pollution Control Board (VSAPCB), the City of Norfolk, Reynolds Aluminum, CARE, Inc., and the firm of Terris and Sunderland, representing the Citizens Against the Refinery's Effects (CARE) and the Virginia Petroleum Council. These comments have been reviewed and are addressed in detail in the Rationale Document.

EPA Actions

In accordance with the procedures specified above, EPA has reviewed and evaluated these SIP revisions and the public comments and hereby partially approves the December 17, 1979 revision and fully approves the May 15, 1980 revision as amended by the April 3, 1981 and February 16, 1981 revisions. Those portions of the nonattainment plans which are not suspended pending further revision by the Commonwealth are hereby granted final approval.

The following is a list of deficiencies which the Commonwealth has agreed to correct and no action is being taken on these sections at this time.

1. An acceptable definition of "Vapor Tight" must be submitted.

2. Sections 4.54(h) and 4.56(h) must be revised to require semi-annual seal inspections and annual gap measurements. An appropriate SIP revision must be submitted.

3. Section 4.55(m)(2) must be revised to reflect RACT for publication rotogravure as well as packaging rotogravure. While the current 65 percent control for packaging rotogravure is acceptable, this section must be revised to require 75 percent control for publication rotogravure. An appropriate SIP revision must be submitted.

4. Section 4.57(a)(5) must be revised to include § 4.57(c) in the list of sources excluded from the exemptions provided by § 4.57(a)(4). An appropriate SIP revision must be submitted.

The Commonwealth has already submitted a preliminary SIP revision dated October 14, 1981 which corrects these deficiencies. EPA will take final action on these items after Virginia has completed their formal rulemaking process. Therefore, EPA is taking no action at this time on the four deficiencies listed above.

The Commonwealth has also agreed to correct the following deficiencies and, therefore, no further action is being taken on these sections.

5. Chapter 3 of the Roanoke Plan—On December 17, 1979 the Commonwealth submitted a revised Part D plan for all nonattainment areas and addressed attainment of the .12 ppm ozone standard. This submittal revised the RACT regulatory language to state that the regulations applied only to sources in those areas listed in Appendix P. Because Appendix P does not list the Roanoke area, previously approved (August 19, 1980, 45 FR 55180) RACT regulations (Round I CTG's) are deleted and the RACT regulations dealing with the Round II CTG's (CTG's published by EPA between January 1978 and January 1979) will not be imposed.

The Commonwealth has now submitted a request to redesignate the Roanoke area as "attainment". This request is based upon three years of ambient monitoring data which shows no violations of the ozone standard occurred in 1979, 1980 or 1981. The proposed redesignation is still under review and EPA cannot comment on its merits at this time. However, EPA will take no further action on Chapter 3 of the Roanoke plan or Appendix P until it has taken final action on the redesignation request.

6. Chapter 6, Emission Inventory—The Commonwealth has also agreed that the

following deficiencies in the Peninsula, Richmond, and Southeastern Virgina plans will be corrected.

a. Peninsula—The 89 percent projected reduction in emissions from "Other Metal Products Coating" sources must be reviewed and revised to reflect more accurately the reductions which will be achieved as a result of adopted regulations.

b. Richmond—The projected emission reductions for the following source categories must also be reviewed and revised in light of existing regulations to more accurately reflect the reductions which will be achieved: Gasoline Terminal Truck Loading; Paint Manufacturing; Flatwood Products Coating; Auto Refinishing.

c. Southeastern Virginia—The inventory must be revised to include emissions from the following sources: Swann Oil, Chesapeake; Hampton Roads Engery Company, Portsmouth; SPSA Resource Recovery Plant, Norfolk; and, increased emissions from vessels and rail cars due to the new refineries and increased coal handling facilities. It should be noted in Chapter 6 that emissions from HREC are included for completeness purposes only because these emissions and the appropriate offset are the subject of a separate SIP revision and cannot be included in the RFP curve or "bank" of accommodative emissions.

While the Commonwealth has also requested the Peninsula and Southeastern areas be redesignated based on ambient monitoring data, EPA believes the inventories should still be revised to accurately reflect actual and potential emissions. However, EPA will taken no further action regarding the deficiencies noted above until it has acted upon the redesignation request.

Other Actions

On August 19, 1980 (45 FR 55228), EPA proposed approval of a change in the boundary of the urbanized area of Northern Virginia to exclude Loudoun County.

The Commonwealth of Virginia had requested that the boundary of the urbanized area in Northern Virginia be modified to exclude Loudoun County, since this is primarily a rural area which accounts for only 5.0 percent of the light duty vehicle registrations in the Northern Virginia Region. The effect of this modification, if approved, would be to exclude Loudoun County from the requirement to implement I/M. It would not change Loudoun County's designation, under Section 107 of the Clean Air Act, as nonattainment for ozone. In addition, with this modification, Loudoun County will no longer be eligible to receive funds under Section 175 of the Act.

No public comments were received as a result of our Notice. Therefore, EPA is hereby approving the proposed boundary change.

Conclusion

As a result of EPA's decision to approve these revisions to the Virginia Implementation Plan, the following sections of 40 CFR Part 52 are revised: § 52.2420 (Identification of Plan); § 52.2435 (Compliance Schedules); § 52.2441 (Inspection and Maintenance Program); § 52.2442 (Bicycle lanes and bicycle storage facilities); § 52.2443 (Management of parking supply); § 52.2444 (Medium duty air/fuel control retrofit); § 52.2445 (Heavy duty air/fuel control retrofit); § 52.2446 (Oxidizing catalyst retrofit); and, § 52.2447 (Vacuum spark advance disconnect retrofit).

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action only approves State actions and imposes no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. 605(b) I certify that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. See 46 FR 8709 (January 27, 1981). This action constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This action only approves State actions. It imposes no new requirements.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the 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.

List of Subjects in 40 CFR Part 52

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

(42 U.S.C. 7401–7642)

Dated: April 26, 1982.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart VV—Virginia

1. In § 52.2420, paragraphs (c) (48) and (49) are added as follows:

§ 52.2420 Identification of plan.

* * * * *

(c) * * *

(48) The revisions submitted on December 17, 1979 by the Secretary of Commerce and Resources related to the ozone and carbon monoxide nonattainment area plans, except § 1.02, "Vapor Tight", §§ 4.54(h), 4.56(h), 4.55(m)(2), and 4.57(a)(5), Chapter 3 of the Roanoke plan, Chapter 6 of the Peninsula, Richmond, and Southeastern Virginia plans, and Appendix P.

(49) The May 15, 1980 revision, as amended by the April 3, 1981 revision, submitted by the Secretary of Commerce and Resources pertaining to Chapter 9 of the Richmond and Northern Virginia nonattainment plans. This submittal includes the State Statute authorizing an Inspection and Maintenance program and a schedule for the implementation of this program.

§§ 52.2441 through 52.2447 [Removed and Reserved]

2. The following provisions are removed and the sections "Reserved" because the provisions are obsolete, have been rendered null by recent court rulings, or have been or will be replaced by more appropriate regulations: § 52.2441 *Inspection and maintenance program*, § 52.2442 *Bicycle lanes and bicycle storage facilities*, § 52.2443 *Management of parking supply*, § 52.2444 *Medium duty air/fuel control retrofit*, § 52.2445 *Heavy duty air/fuel control retrofit*, § 52.2446 *Oxidizing catalyst retrofit*, and § 52.2447 *Vacuum spark advance disconnect retrofit.*

§ 52.2435 [Amended]

3. In § 52.2435, paragraphs (a), (b), (c) and (f) are removed.

§ 52.2435 [Amended]

4. In § 52.2435, paragraphs (g) and (h) are redesignated as (a) and (b).

[FR Doc. 82-12331 Filed 5-5-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 81

[A-7-FRL-2099-4]

Designation of Areas for Air Quality Planning Purposes; Iowa

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: EPA today takes final action to redesignate a portion of the City of Des Moines, Iowa, from nonattainment to attainment with respect to the primary National Ambient Air Quality Standards (NAAQS) for total suspended particulates (TSP). This portion remains designated nonattainment for the secondary TSP standard. This redesignation is based on a request from the Iowa Department of Environmental quality and data from the TSP monitoring site which shows that the primary standard was not exceeded in 1980 or 1981.

EFFECTIVE DATE: This action will be effective July 6, 1982 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Comments should be sent to Daniel J. Wheeler, Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106. The state submission is available at the above address and at the Iowa Department of Environmental Quality, Henry A. Wallace Building, 900 East Grand, Des Moines, Iowa 50319 and the Environmental Protection Agency, Public Information Reference Unit, Room 2922, 401 M Street, SW., Washington, D.C. 20460.

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

SUPPLEMENTARY INFORMATION: On February 3, 1982, the Iowa Department of Environmental Quality (IDEQ) submitted a request to redesignate the attainment status of a portion of the City of Des Moines. The portion in question lies in the south central part of the city just to the east of the Des Moines Airport. The full description is in the state submission. The area was designated primary nonattainment for TSP on March 3, 1978 (43 FR 8962), and is one of four portions of the Des Moines area that remained primary nonattainment when the designated areas were redefined (46 FR 14569, March 6, 1980). It is completely surrounded by an area of secondary nonattainment.

There is one TSP monitoring site located in the area; no others are close enough to represent air quality in this area. Monitoring data from this site shows that the primary 24-hour standard of 260 micrograms per cubic meter ($\mu g/m^3$) was not exceeded in 1980 or in 1981. Also, the geometric mean of all readings for each year is less than the annual standard of 75 $\mu g/m^3$. These values meet the EPA criteria for an attainment designation with respect to the primary TSP standards.

Since the secondary standard of 150 $\mu g/m^3$ for a 24-hour average was exceeded three times in 1980, the area must remain designated secondary nonattainment. However, the primary standard nonattainment designation is hereby removed.

EPA is taking this action without prior proposal because it imposes no new requirements and is noncontroversial. The public is advised that this action will be effective July 6, 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 a significant economic impact on a substantial number of small entities since it imposes no new requirements.

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

Under section 307(b)(1) of the Clean Air Act, as amended, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today.

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

List of Subjects in 40 CFR Part 81

Air pollution, National parks, Wilderness areas.

Dated: April 22, 1982.

Anne M. Gorsuch,

Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

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

Subpart C—Section 107 Attainment Status Designation

§ 81.316 [Amended]

1. In § 81.316, in the table "Iowa-TSP," the line reading "areas in central and southern Des Moines, Ankeny and part of" is amended by removing the words "and southern."

[FR Doc. 82-12296 Filed 5-5-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 761

[OPTS 00032; TSH-FRL 2118-4]

Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce and Use Prohibitions; Recodification

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This action recodifies 40 CFR Part 761 which deals with polychlorinated biphenyls (PCBs). The recodification provides for a more orderly organization of the material. No substantive changes are involved.

DATE: This recodification becomes effective May 6, 1982.

FOR FURTHER INFORMATION CONTACT: John A. Richards, Office of Pesticides and Toxic Substances (TS-788), Rm. E-125, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460, (202-382-3637).

SUPPLEMENTARY INFORMATION: In order to make the Code of Federal Regulations easier for users to read and reference, Part 761, which regulates polychlorinated biphenyls, has been reorganized.

This regulation is a nonsubstantive redesignation and reorganization and as such no opportunity for comment or public participation is required.

List of Subjects in 40 CFR Part 761

Environmental protection, Hazardous materials, Labeling, Polychlorinated biphenyls, Recordkeeping and reporting requirements.

Dated: April 27, 1982.

John A. Todhunter,

Assistant Administrator for Pesticides and Toxic Substances.

Therefore, Part 761 of Chapter I of Title 40, Subchapter R, is amended as follows:

PART 761—POLYCHLORINATED BIPHENYLS (PCBs) MANUFACTURING, PROCESSING, DISTRIBUTION IN COMMERCE AND USE PROHIBITIONS

§ 761.2 [Redesignated as § 761.3]

1. In Subpart A, § 761.2 is redesignated as § 761.3.

§ 761.10 (Subpart B) [Redesignated as § 761.60 (Subpart D)]

2. Current Subpart B is redesignated as Subpart D, and § 761.10 is redesignated as § 761.60 under the new Subpart D.

§§ 761.40–761.43 [Redesignated as §§ 761.70, 761.75, 761.65 and 761.79 respectively]

3. Sections 761.40, 761.41, 761.42 and 761.43 are redesignated as §§ 761.70, 761.75, 761.65 and 761.79, respectively under the new Subpart D.

§ 761.20 [Redesignated as § 761.40]

4. Section 761.20 in Subpart C is redesignated as § 761.40 remaining in Subpart C.

§ 761.44 [Redesignated as § 761.45]

5. Section 761.44 is redesignated as § 761.45 under Subpart C.

§§ 761.30 and 761.31 (Subpart D) [Redesignated as §§ 761.20 and 761.30 (Subpart B) respectively]

6. Current Subpart D is redesignated as Subpart B, and §§ 761.30 and 761.31 are redesignated as §§ 761.20 and 761.30, respectively under the new Subpart B.

7. The heading for Subpart J is added to read as follows:

Subpart J—Records and Reports

§ 761.45 [Redesignated as § 761.80]

8. Section 761.45 is redesignated as § 761.80 under the new Subpart J.

Subpart E—Heading and Annex Nos. I through VI [Removed]

9. The heading for Subpart E and Annex Nos. I through VI are removed.

[FR Doc. 82-12336 Filed 5-5-82; 8:45 am]
BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[Docket No. 18921; RM-1197; RM-1218; RM-1330; FCC 82-129]

Cooperative Use and Multiple Licensing of Stations in the Private Land Mobile Radio Services

AGENCY: Federal Communications Commission.

ACTION: Final rule; Report and Order.

SUMMARY: The Federal Communications Commission is adopting rules to govern the cooperative sharing and multiple licensing of facilities in its private land mobile radio services. The rules which are adopted define the types of arrangements which will and will not be allowed. These rules have been adopted: (1) To remove certain procedural burdens heretofore required of licensees and user eligibles; (2) To assure adequate licensee control; and (3) To codify permissible licensee and user practices relating to multiple licensed and cooperatively shared systems.

EFFECTIVE DATE: May 20, 1982.

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

FOR FURTHER INFORMATION CONTACT: John Borkowski, Private Radio Bureau, (202) 632-7597.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 90

Radio, Cooperative use, Multiple licensing.

In the matter of amendment of Parts 89, 91, 93 and 95 of the Commission's rules and regulations to adopt new practices and procedures for cooperative use and multiple licensing of stations in the private land mobile radio services;[1] [2] Docket No. 18921; RM-1197; RM-1218; RM-1330.

Report and Order

Adopted: March 18, 1982.

Released: April 13, 1982.

1. On June 11, 1981 the Commission released a *Tentative Decision and Further Inquiry and Notice of Proposed Rule Making* (hereinafter *Tentative Decision)* in the above-captioned matter relating to the multiple licensing of facilities and the cooperative sharing of systems in the private land mobile radio service.[3] [4] [5] In this opinion, we concluded: (1) that third-party equipment companies which furnish services and equipment to private land mobile radio services licensees on a shared basis are not common carriers within the meaning of section 3(h) of the Communications Act of 1934, as

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[1] Parts 89, 91, and 93 have been consolidated under New Part 90, 47 CFR Part 90. Part 95 retained its prior designation. In view of this, reference to the rule parts herein will be to the pertinent provisions under new Part 90. *See Report & Order,* Docket No. 21348, 43 FR 54788 (November 22, 1978).

[2] The rule changes for Part 95 will not be adopted in this proceeding. Instead, these issues will be addressed as part of a comprehensive review of the Part 95 rules.

[3] *Tentative Decision and Further Inquiry and Notice of Proposed Rule Making,* Docket No. 18921, FCC 81-263. Adopted June 4, 1981, released June 11, 1981.

[4] Earlier in this proceeding, in 1970, we had released a *Memorandum Opinion and Order and Notice of Proposed Rule Making* which considered petitions for rule making filed by Chalfont Communications (RM-1197), the National Association of Radiotelephone Systems (RM-1218), and American Radio-Telephone Service, Inc., Caprock Radio Dispatch, Fresno Mobile Radio, Inc., Radiofone, and Rogers Radio Communications Services, Inc. jointly (RM-1330), and granted, in part, the relief requested through the initiation of this proceeding. *Multiple Licensing—Safety and Special Radio Services,* 24 FCC 2d 510 (1970). Although at that time we ruled that neither the cooperative sharing of communications systems nor the multiple licensing of transmitting facilities was unlawful or conflicted with public interest or policy, we did propose rules to better define the nature of the sharing and joint use arrangements we would permit in the private land mobile radio services.

Briefly, we expressed our concern with arrangements for jointly used facilities or cooperatively used systems wherein "packaged" communications services are provided (*i.e.,* all major equipment and associated maintenance, as well as telephone answering and message dispatching, is provided by a single third party). We, therefore, proposed rules to preclude the offering of "packaged" service in these situations and, pending adoption of final rules, implemented this approach as an interim policy. *See Multiple Licensing—Safety and Special Radio Services, supra,* at 519. We also proposed a number of specific rules relative to the joint licensing of facilities and the cooperative sharing of systems. *Id.,* pp. 520-523.

[5] Sharing in the private land mobile radio services is loosely used to cover two entirely separate types of arrangements: (1) Cooperative sharing of a licensee's system by eligible participants or (2) The licensing of several eligibles to use a single transmitting facility (i.e., multiple licensing).

In cooperative use arrangements a base station transmitter ordinarily is authorized to and controlled by a single licensee. The licensee shares this transmitting facility with other persons eligible in the same radio service. All use of the licensee's facility takes place under the licensee's control. Ordinarily the capital and operating expenses associated with the shared system are divided among the system sharers (*i.e.,* the licensee and the other users) on a pro-rated, equitable basis. The licensee is precluded from profiting from the arrangement. *See* 47 CFR 90.179, 90.181, 90.183, 90.185.

In the multiple licensing of facilities, ordinarily the base station transmitter (or as it is sometimes called, the "community repeater") is situated at a desirable site in the area to be served. In most instances, unlike the cooperative sharing approach, the transmitting facility is separately licensed to, and controlled by, each person authorized to use it from stations installed at their respective places of business. Individually assigned "tone" signals are generally employed to activate the repeater, so that the communications of each licensee, to and from his/her respective mobile units are heard only by the licensee, of his/her dispatcher, and the employees in his/her radio equipped vehicles. The spectrum and the transmitter in the multiple licensing situation, in essence, are time-shared. The number of persons that can be accommodated over a repeater varies; sometimes it is as high as 16 but most often it is in the five to ten range, depending on the number of mobile units and the message loads of the individuals sharing the station.

For a discussion of the evolution of sharing arrangements in the private land mobile radio services *see Tentative Decision and Further Inquiry and Notice of Proposed Rule Making, supra,* at paras. 4-11.

amended;[6] (2) that such competition as does exist between equipment companies furnishing physical facilities and associated services to eligibles in the private land mobile radio services and common carriers is neither unjust nor unfair;[7] and (3) that the public interest is served by continuing the authorization of these types of arrangements in the private land mobile radio services.[8]

2. Regarding the specific regulatory plan we had proposed in 1970,[9] based on the comments of the parties, we stated in our Tentative Decision our intention to: (1) Discontinue our "packaged service" policy;[10] (2) modify somewhat the cooperative sharing rules;[11] and (3) alter, in part, our multiple licensing proposal.[12] We also again rejected the application of Section 309 notice procedures [13] to private land mobile applications.[14] Additionally, several miscellaneous matters relating to sharing between parent and subsidiary corporations, sharing among joint venturers, and the identity of dispatching agents were addressed.

3. After tentatively adopting the policies and conclusions discussed above, in consideration of the time that had elapsed since our original Notice, we offered interested parties the opportunity to restate and update their positions. Additionally, we asked for specific views, data and briefs of law on the following subjects.

(a) *Characteristics of Common Carriage.* Do such characteristics as (1) provision of equipment and related services by profit-making third-party entrepreneurs, (2) particular advertising practices, (3) interconnection to the telephone network, (4) failure to observe strict cost sharing, (5) profit making by one or more members directly from cooperative radio activities, or (6) lack of proprietary interest (e.g., lease or ownership) in facilities make it necessary or desirable, as a matter of law or policy, that some multiply licensed or cooperatively shared private radio systems be classified as common carriers?

(b) *Forbearance.* Assuming *arguendo* that at least some cooperative or multiple licensed private radio systems might be or should be classified as common carriers, may the Commission forbear, as a matter of law, from exercising its Title II powers? Is such forbearance desirable as a matter of policy, particularly in terms of its effects on the actual users of cooperative and multiply licensed radio communications systems? If so, what changes in statutes or regulations might be necessary or desirable to achieve such forbearance for cooperative and multiply licensed systems?

(c) *Third Part Licensing.* Would direct licensing of any entrepreneurs now providing equipment or services to cooperative and multiply licensed private radio systems be permissible as a matter of law? Is either mandatory or voluntary licensing of such entrepreneurs a policy that would benefit either the users of these systems or the public interest? What would be the advantages and disadvantages of allowing or requiring the provision of radio communications services to current users of cooperative and multiply licensed systems in a manner analogous to the rules applied now to the Specialized Mobile Radio Systems above 800 MHz?

(d) *Interservice Competition between Private Radio and Common Carriers.* To what extent is competition permissible or desirable between at least some cooperative/multiply licensed private radio systems and common carrier systems in the provision of land mobile radio communications? Should cooperative or multiply licensed systems be differentiated from other private systems in this regard? Should and how may the Commission assess the effects of interservice competition differentially as it affects (1) common carriers, (2) third-party profit making radio entrepreneurs not classified as common carriers, (3) the ultimate users of cooperatively shared or multiply licensed private radio systems, and the public at large?

(e) *Benefits.* What are the relative benefits of common carrier service contrasted to that provided by equipment companies to eligibles in the private services under competitive marketplace conditions? In this connection, consideration should be given to such factors as spectrum efficiency, effective spectrum utilization, availability of service, economics of the several service offerings, and the ability of system operation to satisfy the needs and desires of the users.

(f) *Proposed Rules.* Are the regulations proposed needed and reasonable? Are they sufficient to assure compliance with the underlying policies governing cooperative use and multiple licensing in the private services; and what, if any, additional limitations or restrictions should be imposed?

(g) *Packaging Policy.* Should the packaging policy be retained?

(h) *Cooperative use.* Should licensees be required to submit their plans for sharing radio equipment for approval by the Commission prior to providing service to participants? Should annual reports be required? What records should the licensees keep? Should the line of demarcation between cooperative use and multiple licensing be drawn as rigidly as contemplated under the original proposal or should the more flexible approach now proposed be followed?

(i) *Multiple Licensing.* Should the Commission prohibit payments among persons sharing radio facilities under multiple licensing? Would such a limitation be useful in maintaining a distinction between multiple licensing and cooperative use arrangements? What records should persons sharing facilities under multiple licensing be required to keep? What reports should the licensees make to the Commission?

4. Comments and replies on this phase of this proceeding were submitted by the following parties:

Comments

—Telocator Network of America (TNA)
—Page A Fone Corp. (PAF)
—Tactec Systems (Tactec)
—Central Committee on Telecommunications of the American Petroleum Institute (API)
—The National Association of Business and Educational Radio, Inc. (NABER)
—Metro Mobil Communications, Inc. (MMC)
—John D. Pellegrin, Esquire
—Utilities Telecommunications Council (UTC)
—Special Industrial Radio Service Association, Inc. (SIRSA)
—General Electric Company (GE)
—Motorola, Inc. (Motorola)
—The National Mobil Radio Association (NMRA)
—Mobil Communications Corporation of America (MCCA)
—Mr. P. Randall Knowles
—Mr. Edward W. N. Smith
—Forest Industries Telecommunications (FIT)

[6] *Tentative Decision and Further Inquiry and Notice of Proposed Rule Making, supra,* at paras. 19–28.

[7] *Id.* paras. 29–40.

[8] *Id.* paras. 41–57.

[9] *See, Multiple Licensing—Safety and Special Radio Services,* 24 FCC 2d 510 (1970), Appendix.

[10] *Id.* paras. 58–61; *see also* 24 FCC 2d 510 (1970) at 519, 521.

[11] *Id.* paras. 62–67.

[12] *Id.* paras. 68–73.

[13] *See* Section 309 of the Communications Act of 1934, as amended, as implemented at Section 1.962 of the Rules.

[14] *Tentative Decision and Further Inquiry and Notice of Proposed Rule Making, supra,* paras. 77–79.

Reply Comments

—SIRSA
—UTC
—Tactec
—NABER
—MCCA
—TNA
—Motorola

5. As in the case of previous comments in this proceeding, the comments basically fell into two categories: (1) Those interests representing the private land mobile radio services (including equipment manufacturers), and (2) those representing the common carrier interests. The private service interests generally endorsed the conclusions reached in the Tentative Decision regarding the legality and public interest benefits of cooperative sharing and multiply licensing. They agreed that third party equipment companies which furnish services and equipment to private land mobile radio services eligibles are not common carriers within the meaning of Section 3(h) of the Communications Act, and that the public interest is served by the Commission's authorizing cooperative sharing and multiple licensing in the private land mobile services. In contrast, the carrier interests disputed those conclusions and maintained, as a matter of law and public policy, that sharing of systems and facilities in the private services should not be allowed. They also maintained that if sharing is allowed, it should only be with rigorous regulation. Regarding the specific rule proposals, there was a great diversity of opinion among the parties.

6. With the exception of the comments and replies directed to the proposed rules themselves, the positions of the parties remained essentially the same as those advanced by them earlier in this proceeding, as modified by more recent precedents which they felt supported their respective positions.

Decision

Summary

7. We have considered the entire record of this proceeding. Based upon this review, we affirm our earlier conclusions that the cooperative sharing of systems and the multiple licensing of facilities in the private radio services are permissible practices as a matter of law, and desirable as a matter of public policy. We also determine that the sale, lease or rental of communications equipment and associated services to licensees in the private radio services by third parties is not common carriage. We also decide that these conclusions are not modified by advertising practices prevalent among licensees of cooperatively shared systems or third party equipment suppliers in multiple licensing situations, or by interconnection with the public switched telephone system, as authorized in the private services.[15] Further, we conclude that there has been no demonstration in the record of this proceeding that such competition as exists between third-party equipment suppliers and common carriers is unfair, destructive, or subjects carriers to a significant economic harm which impedes their ability to provide service to the public. Lastly, we affirm that there are significant public interest benefits in continuing cooperative sharing and multiple licensing practices in the private land mobile radio services.

8. In light of our conclusions that cooperative sharing and multiple licensing in the private land mobile radio services are permissible practices as a matter of law, and that the offering for sale, lease or rental of communications equipment and associated services to eligibles in the private services by third parties does not constitute common carriage, we decline to reach in this proceeding the issue of whether the Commission may forbear from exercising its Title II powers under the Communications Act. This matter is not germane to this proceeding; and we will defer a decision on the issue of forbearance to the resolution of our proceeding in CC Docket No. 79–252.[16]

9. We also decline to adopt rules at this time which would license third party providers of equipment and services in the bands below 800 MHz. Such an approach is not necessary to our regulatory objectives below 800 MHz and the record of this proceeding does not definitively support a need for such a service in these bands.[17]

10. With regard to the major specific rules which we are herein adopting, we have determined to require in the case of cooperatives that all costs associated with the shared service must either be absorbed by the licensee on a no-charge basis to other participants or must be prorated among all participants in the cooperative sharing arrangement. Thus, we have determined not to permit the so-called "stage two" and "stage three" cooperative arrangements [18] which we have heretofore allowed. Both of these types of arrangements have undesirable aspects inimical to true cost sharing. Thus, in the Stage II and Stage III cooperative oftentimes equipment costs and services associated with the cooperative use are not prorated and cost shared among participants. This, we conclude, is not desirable within the framework of our cooperative sharing rule, which contemplates an equitable prorating of costs associated with the sharing of the communications system. Thus, we are confining cooperative sharing to systems in which the licensee shares with the users the costs associated with the operation of his/her system. We are also adopting rules which limit the joint use of multiple licensed facilities to situations in which no consideration is paid by any licensee of the facility to any other licensee for or in connection with any of the equipment or for any services used or rendered in connection with the jointly licensed facility. Lastly, we have decided upon consideration of the record before us to retain the "packaged service" policy which we adopted on an interim basis in 1970.

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[15] *See* 47 CFR 90.476–90.483 and 90.389, as well as the Report and Order in Docket No. 20846. There we conclude that interconnection did not change the essential nature of the private services. *See* 69 FCC 2d 1831, 1837–38 (1978). Nothing in the record of this proceeding causes us to alter our earlier conclusion.

[16] *Deregulation of Telecommunications Service, Further Notice of Proposed Rule Making, In the Matter of Policy and Rules Concerning Rates for Competitive Common Carrier Services and Facilities Authorization Therefore,* CC Docket No. 79–252, 84 FCC 2d 445 (1981).

[17] The SMRS concept derives from our proceeding in Docket No. 18262. *See Report and Order,* Docket No. 18262, 46 FCC 2d 752 (1974); *Memorandum Opinion & Order,* Docket No. 18262, 51 FCC 2d 945 (1975); *Memorandum Opinion & Order,* Docket No. 18262, 55 FCC 2d 771 (1975); *aff'd. sub nom. NARUC v. FCC,* 525 F 2d 630 (1976), *cert. denied,* 425 U.S. 992 (1976). It is a concept specifically tailored to promote the Commission's goal of a potential for increased spectral efficiency and/or grade of service via the introduction of a new and expensive technology. The Commission had large amounts of spectrum then unoccupied which could be structured around this concept. The situation below 800 MHz is vastly different. We therefore choose not to adopt an SMRS concept below 800 MHz.

[18] In our Tentative Decision, *supra,* we defined a Stage II cooperative as an arrangement in which the licensee owned or leased the base station transmitter and made it available to sharing participants either at no charge or at less than cost, but provided participants with some other equipment or service (e.g., mobile stations/paging receivers or equipment service) on a for-profit basis. A Stage III cooperative is a situation in which an eligible in one of the radio service categories agrees with other eligibles in the same radio service to assume the responsibilities as licensee for the cooperative arrangement and arranges for the needed physical radio gear and maintenance service. Under such an arrangement the licensee of the system is paid nothing at all by the other participants; instead, all consideration flows directly to the third party suppliers of goods and services, with the licensee and each participant paying the third-party suppliers individually for any equipment or services provided to them. *See Tentative Decision and Further Inquiry and Notice of Proposed Rule Making, supra.,* para. 7.

Discussion

The Offering of Equipment and Services by Third Parties Is Not Common Carriage

11. In our Tentative Decision, we concluded that the third-party equipment companies which furnish services and equipment to a group of private land mobile licensees are not common carriers within the meaning of Section 3(h) of the Communications Act of 1934, as amended.[19]

12. As an initial point, we agreed that a business enterprise is a common carrier depending on what it does, and not on what the parties concerned characterize it as being or on what it purports to be. *United States* v. *California*, 297 U.S. 175 (1936); and *United States* v. *Drum*, 368 U.S. 370 (1961). We also agreed that a business enterprise need not serve all the world to be a common carrier. *Terminal Taxicab Co.* v. *District of Columbia*, 241 U.S. 252 (1916) and *Anderson* v. *Fidelity and Casualty Co.*, 228 N.Y. 475, 127 N.E. 584 (Ct. App., N.Y. 1920). Further, we accepted the proposition that the courts have uniformly rejected schemes and devices designed to avoid statutory requirements relating to the control and regulations of public carriers or utilities. *State ex rel. Board of Railroad Commissioners* v. *Rosenstein*, 217 Iowa 985, 252 N.W. 251 (Sup. Ct. Iowa, 1934); *Restivo* v. *West*, 149 Md. 30, 129 Atl. 884 (Ct. App. Md., 1925); *Affiliated Service Corp.* v. *Public Utilities Commission*, 127 Ohio St. 47, 186 N.E. 703 (Sup. Ct. Ohio, 1933) and *Gornish* v. *Pennsylvania Public Utilities Commission*, 134 Pa. Super. 565, 4 A. 2d. 569 (1939).

13. Additionally, there was no issue that the fact that an association or corporation is to be non-profit, or that a cooperative arrangement is to be available on a cost shared basis does not perforce mean that such entities or arrangements are not to be classified and regulated as common carriers. *Celina & Mercer County Telephone Co.* v. *Union Center Mutual Telephone Company Association*, 120 Ohio St. 487, 133 N.E. 540 (Ohio Sup. Ct., 1921); *State Public Utilities Commission* v. *Noble Mutual Telephone Co.*, 268 Ill. 411, 109 N.E. 298 (Sup. Ct. Ill., 1915); and *Peoples Telephone Exchange* v. *Public Service Commission*, 239 Mo. App. 166, 186 S.W. 2d 531 (Kan. Cty. App., 1945). *See also North Shore Fish and Freight Co.* v. *North Shore Businessmen's Trucking Association*, 195 Minn. 336, 263 N.W. 98 (Sup. Ct. Minn. 1935); *State ex rel. Board of Railroad Commissioners* v. *Rosenstein, supra; Affiliated Service Corp.* v. *Public Utilities Commission, supra;* and *Surface Transportation Corporation* v. *Reservoir Bus Lines*, 67 N.Y.S. 2d 135, 271 App. Div. 556 (Sup. Ct. N.Y., App. Div. 1943).

14. Finally, we recognized that the operation of an unregulated third party equipment supplier in a regulated field could give rise to "special problems," and requires "careful analysis" in terms of the public benefits and possible public detriment. *Industrial Gas Co.* v. *Public Utilities Commission of Ohio*, 135 Ohio St. 408, 21 N.E. 2d 166 (Sup. Ct. Ohio, 1939); and *United States* v. *Drum, supra.*

15. Nevertheless, in light of the record in this proceeding, we considered that the "holding out" by equipment companies to provide radio gear and related services to eligibles in the private radio services on a for profit basis did not transform these equipment companies into common carriers. In this regard, we pointed out that all businesses which vend goods or services hold their products out, and that the offering of a combination of services, including equipment rental, antennae sites, maintenance, etc. to a person authorized by the Commission to use the radio spectrum does not result in common carriage. We found this to be true, whether the services are offered by the third party to a single eligible or to a group of eligibles.

16. We also emphasized that a significant factor in our determination was that equipment suppliers had no right to use the radio spectum. Without this right, we concluded, there could be no offering by these parties of a communications service.

17. We concluded our analysis on this first point by stating that in most communications systems, be they private or common carrier services, there is usually some third party to manufacture, supply, and at times, maintain the physical radio gear involved. This is so whether or not facilities are shared (*see e.g., Coleman Petroleum Engineering Co.*, 24 FCC 378 (1970); *Frequency Band 806–960 MHz*, 55 FCC 2d 771 (1975).

18. TNA has challenged our conclusions in the Tentative Decision on this point. It maintains that third party equipment suppliers of facilities which are shared by more than one eligible are engaged in "telecommunications carriage," and that as a matter of law they must be licensed therefore.

19. In support of this proposition TNA essentially makes the following points: (1) That common carriage is only one subset of telecommunications carriage under the Communications Act and that the Act requires all telecommunications carriers, whether or not they are common carriers, to be licensed as such; (2) that the case history of *ATS Mobile Telephone, Inc.* v. *General Communications Co., Inc.* (ATS v. GCC) is a typical example of the multiple licensed sysem;[20] (3) that the Commission's Second Computer Inquiry proceeding [21] makes clear that third party equipment suppliers are common carriers; (4) that the Mississippi Public Service Commission in *Yazoo Answer-Call, Inc.* v. *Motorola Communications and Electronics, Inc.*,[22] has found third party equipment companies to be public utilities; and (5) that the holding of the United States Court of Appeals for the District of Columbia in *NARUC* v. *FCC* (NARUC I) compels the conclusion that third party equipment companies must be licensed as telecommunications carriers.[23]

20. We have reviewed TNA's arguments carefully and disagree with its opinions. We conclude that under the rules we are adopting, the licensees in a multiple licensing situation, and not the third party equipment supplier, will be in both *de jure* and *de facto* control of their systems. (*See* Appendix, § 90.185). There is no communications service, therefore, being provided by these suppliers of radio equipment. With regard to TNA's specific points, Section 3(h) of the Act and Title II speak to common carriers. We find no basis in the cases TNA cites for the conclusion that third party equipment suppliers are telecommunications carriers which must be licensed under the Act. Second, without addressing the merits of the *ATS* v. *GCC* case cited by TNA, we find no basis in TNA's submissions to extrapolate that the GCC operation is typical of the practices of third party equipment suppliers, and we decline to conclude it is. TNA provides no support for its assertion that we should generalize for an entire industry based on one example. Moreover, by the

[19] No issue of common carriage is raised with respect to the licensees in a multiple licensing arrangement since the typical licensee's use is confined to internal business communications. As noted above, we are not allowing an equipment supplier to also be a licensee on a facility which it makes available for multiple licensing by eligibles. A licensee in a cooperative sharing arrangement is not a common carrier because there is no for profit holding out of the system. *See* fn. 30, *infra.*

[20] *See in the Matter of Petition for Issuance of a Cease and Desist Order and an Order to Show Cause Filed by ATS Mobile Telephone, Inc. against General Communications Company, Inc., a Licensee in the Business Radio Service*, Gen. Docket No. 80-619, for a description of the GCC facility.

[21] 77 FCC 2d 384 (1980), on recon. 84 FCC 2d 50 (1980), appeals pending.

[22] Docket U-3536.

[23] 173 U.S. App DC 413, 525 F.2d 630 (1976), *cert. den.* 425 U.S. 992 (1976).

action we took in Docket 20846 and the action we are herein taking arrangements similar to the one involved in the *ATS* v. *GCC* case would be precluded.[24]

21. With regard to the Computer II proceeding, TNA cites it for the proposition that third-party equipment suppliers provide a "basic service" and therefore, within this decision, are "telecommunications carriers." TNA, however, assumes the very issue in question—that a third-party provider of equipment and service is offering a basic communications service. We do not find our decision in the Computer II proceeding to reach the conclusion that unlicensed third-parties who do not employ spectrum and who sell or lease radio equipment and related services to those eligible for licensing are engaged in offering a basic communications service within the meaning of that proceeding. Quite the contrary, in Computer II we determined that the provision of stand alone customer premises equipment is not a common carrier activity. *Second Computer Inquiry*, on recon., 84 FCC 2d 50, 98 (1980), appeals pending.

22. Addressing the *Yazoo* Case, *supra*, TNA cites it for the proposition that numerous State commissions have routinely found after investigation of community repeater system. (*i.e.* multiple licensing arrangements) that they operate as common carriers. TNA did not mention that the Mississippi Public Service Commission's decision was reversed by the United States District Court.[25] There, the U.S. District Court, *inter alia*, concluded:[26]

> Motorola is not a public utility as defined in this statute, inasmuch as it does not operate equipment or facilities for the transmission of messages by radio "by or for the public." The leasing of a community repeater to users licensed by the FCC, under its Part 91 private Business Radio Service is not an offering to the public for hire. As previously mentioned, only persons licensed by the FCC under Part 91 may be leased a slot on the community repeater and, even then, may be denied the slot. Plaintiff's services are clearly not those offered for public hire, and therefore, cannot be and are not a public utility. 515 F. Supp. 793, 798 (S. D. Miss. 1979).

23. Turning now to *NARUC* v. *FCC*, 525 F.2d 630 (1976), *cert. denied* 425 U.S. 992 (1976) (NARUC I), we had noted in our Tentative Decision our belief that the key elements of common carriage as described by the Court did not apply here.[27] We stated that we saw no quasi-public character, as such, in what third-party equipment companies offer within the framework of the marketplace in which they do business. Moreover, we stated our belief that equipment suppliers do not and could not as a matter of law undertake to carry for all persons indifferently, since they have no spectrum authorized to them to implement such an offering. We emphasized that is was our licensees, not the equipment suppliers, which hold authorizations from us to employ spectrum; and we pointed out that the right to use the spectrum ran to the licensee, not to the equipment which the licensee employed. We concluded that, contrary to TNA's assertion, NARUC I is not to be read in a fashion which precludes the Commission from allowing licensees in the private land mobile radio services, who are otherwise eligible, from sharing equipment furnished by third-parties at the risk of having these systems classified as common carriers.

24. In view of TNA's repeated assertions in its comments that we are wrong in this view, we have again reviewed the NARUC I holding. We conclude nothing in NARUC I is inconsistent with our conclusion that third-party suppliers of equipment and services do not fall within the test of common carriage described by the Court. Thus, there is nothing in the record which would demonstrate that these third-parties' activities are imbued with a quasi-public character which causes them to carry for all people indifferently. TNA's own submission (Appendix C of its Comments) seems to indicate it is the practice of third-party equipment suppliers to make individualized decisions, in particular cases, whether and on what terms to deal.[28] We also note that in the NARUC I case the Court concluded that an SMRS is not a common carrier although it satisfied two of the three criteria there enunciated for common carriage (*i.e.* a for hire offering of a communications service). The non-carrier status of a third-party equipment supplier here is even stronger when it is considered that provision of equipment alone is not provision of a communications service; in this case, only the "for hire" criterion is met. Lastly we point out that the Court recognized the practice of multiple licensing of systems and that it did not conclude that this practice would itself change the classification of a system from non-common carriage to common carriage.[29]

25. In addition, the court in NARUC I ruled that the Commission does not have discretion to confer or not to confer common carrier status on an entity depending on the regulatory goals it seeks to achieve, *NARUC* v. *FCC*, *supra*, at 644. That is a legal determination to be made under the three-part test enunciated therein. We conclude that, as a matter of law, third-party equipment suppliers are not providing a communications service. We also conclude that third-party equipment suppliers do not carry for all persons indifferently. We therefore conclude they are not common carriers within the meaning of the Act and there is no basis for regulating them under Title II. Similarly, since multiple licensed systems and cooperative cost-shared systems also fail to satisfy the three-part test of common carriage, they also are not common carriers and there is no basis for regulating them under Title II.[30]

26. In light of these conclusions we also determine that the advertising practices of third party equipment suppliers[31] or the inter-connection of

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[24] *First Report & Order*, Docket No. 20846, 69 FCC 2d 1831 (1978); *Memorandum Opinion and Order*, Docket No. 20846, (FCC 79-720), 44 FR 67119 (November 23, 1979); *See also* the Appendix of this document at § 90.185.

[25] *Motorola Communications* v. *Mississippi Public Service Commission*, 515 F. Supp. 793 (S. D. Miss. 1979), *aff'd* 648 F. 2d 1350 (5th Cir. 1981).

[26] This case involved a suit filed by Yazoo Answer-Call, Inc. with the Mississippi Public Service Commission alleging that Motorola, Inc., as the supplier of equipment and services to eligibles under Part 91 (now Part 90) of the Commission's Rules & Regulations, was operating as a public utility within the meaning of the Mississippi public utility law (Section 77-3-3 of the Mississippi Code of 1972) and required a prior certificate of public convenience and necessity.

[27] Common carriage has a three pronged test: (1) provision of a communications service, (2) for hire, (3) to the public. *See NARUC* v. *FCC*, *supra*, *construed in American Telephone and Telegraph Co.*, v. *FCC*, 572 F. 2d 17, 24 (1978); *see also FCC* v. *Midwest Video Corp.*, 440 U.S. 689 (1979). "* * * (A) common carrier is one which undertakes indifferently to provide communications service to the public for hire * * *" *American Telephone and Telegraph Co.* v. *FCC*, *supra*, at 24.

[28] This is a characteristic which the Court in NARUC I said would be indicative of non-common carrier status.

[29] The Court considered the specific case of cost shared "community repeater" systems. *NARUC* v. *FCC*, *supra*, at 639 n. 45.

[30] The licensee on a multiple licensed system does not provide a communications service to the public, one of the NARUC I tests. *See* note 19, *infra*. The licensee of a cooperative cost-shared system does not operate for profit, one of the significant indicia that a communications service is offered to the public. *See American Telephone and Telegraph Co.* v. *FCC*, *supra*, at 26. Therefore, neither of these licensees is properly regulated as a common carrier. With respect to the non-common carrier status of cooperative ventures, we recognize, of course, that a profit-making entity may offer a communications service and nonetheless not be deemed a common carrier; factors other than profit may indicate that a service is not offered indiscriminately to the public and, hence, is not common carriage. *See NARUC* v. *FCC*, *supra*, at 641. However, because the record and issues in this proceeding have focused principally on the non-profit nature of cooperatives, our findings as to their private status are based primarily on that factor. *See also* note 31, *infra*.

[31] Individual licensees in a multiple licensing arrangement, as a general rule, do not advertise,

Continued

private systems with the public switched telephone network does not alter the essential nature of these private systems and does not result in their becoming common carriers. We have applied the three-pronged test of common carriage to these arrangements and found that they are not common carriers. Neither the existence of advertising nor interconnection affects the reasons we reached this conclusion.[32]

Do Third-Party Suppliers Constitute Unjust or Unfair Competition for Radio Common Carriers?

27. In the Tentative Decision, the Commission concluded that it could not find in this rule making record, nor could it conclude based on its experience, that unjust or unfair competition exists between common carriers and equipment companies furnishing physical facilities and associated services to licensees. We stated that if was not unjust, because it arises essentially out of our decision to make radio spectrum available to certain classes of users to give these users options to conduct their affairs through the use of radio and, in this way, ultimately to promote the public interest.[33]

28. We also pointed out that inherent in our rule making determinations to allocate radio spectrum to the private services is the conclusion that certain classes of eligibles should not be required to take service from common carriers. We added that the fact that we had allocated spectrum to common carriers to permit them to offer radiotelephone and dispatch services to the public did not carry with it any reasonable implication or expectation on their part that licensees in the private services are to be limited or restricted in the arrangements they are to be allowed to make in the marketplace to secure the radio equipment necessary to employ the radio spectrum we have authorized for their use.[34]

29. From an historical perspective, we also pointed out that sharing was allowed in the private services even before the Commission allocated spectrum to the radio common carriers, and that we did not change this approach when these carriers were created.[35] Finally, we noted that we have consistently affirmed this concept in the face of strong carrier opposition.[36]

30. In sum, for many years equipment and services have been provided to private land mobile licensees as an alternative to equipment and services which might be provided to the public by radio common carriers. Because of this, we concluded in our Tentative Decision that continued provision of such equipment and services on a non-common carrier basis is an appropriate user option in the public interest, and not unjust.

31. With regard to the second issue, whether such choices for consumers subject radio common carriers to significant economic harm, or whether such choices impede or destroy these carriers' ability to provide service to the public, we tentatively concluded that such adverse effects have not arisen and will not arise. We noted that we had found no case where such availability of alternatives had resulted in the failure of any carrier. Nor could we find any demonstration that provision of equipment and services by third parties to users of multiple licensed facilities, or of cooperative sharing arrangements, had adversely affected the development of the radio common carrier industry as a whole. To the contrary, we noted that the radio common carrier industry has grown, not only in the number or composite size of radio common carriers, but also in the types and variety of services offered to the public.

32. TNA, PAF, and MCCA dispute these tentative conclusions. They assert that, at least in the case of multiple licensing, a continuation of this practice is contrary to the public interest, convenience and necessity.[37] The thrust of these parties' positions is that in the proceeding in Docket No. 79–107 (an Inquiry addressing multiple licensing at 800 MHz[38]), TNA has made allegations that third-party equipment suppliers, through the way in which they provide equipment and services to licensees under multiple licensing arrangements, do in fact, or are in a position to, restrain or foreclose competition. The carrier interests therefore assert it would "pre-judge" the 79–107 proceeding to act until we have addressed and disposed of this issue.

33. While these parties concede that PR Docket No. 79–107 is concerned with multiple licensing at 800 MHz,[39] they argue "the public interest considerations involved are not peculiar to the 800 MHz band, but reflect (adversely) on the propriety of the licensing technique in general."[40] [41]

34. We have considered this point. However, we are unable to agree that the Comments which TNA submitted in Docket No. 79–107, in and of themselves, constitute the predicate for terminating this proceeding and merging it with Docket 79–107 (as at least one of the carrier interest requests), or for delaying a decision here. Docket 79–107 is only at the Inquiry stage and we have not even made a determination that new rules at 800 MHz are necessary. Furthermore, the proceeding was initiated in the context of the 800 MHz regulatory structure where SMRS's provide a possible substitute for multiple licensing. These same options do not exist below 800 MHz. At the bottom line,

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since their systems are not shared, but are used only for internal business communications. There is, therefore, no issue of common carriage. In the cooperative sharing situation, in the context of the rules we are adopting, there is no profit to the licensee and we conclude that such advertising as normally exists in these arrangements does not convert such a shared system into common carriage. *See Resale & Shared Use of Common Services*, 60 FCC 2d 261 (1976) *amended on reconsideration*, 62 FCC 2d 588 (1977), *affirmed American Telephone and Telegraph Co. v. FCC, supra.*

[32] In Docket No. 20846, *supra*, we concluded that interconnection does not change the basic nature of private systems. *See* 69 FCC 2d 1831, 1837–1838 (1978).

[33] In this regard we noted that the allocation of spectrum to the private services is not to produce or create a "private" benefit, but rather to enhance the "public" benefit which accrues from the use of radio by licensees in the private services.

[34] Thus, for example, in *Special Emergency Radio Service*, 24 FCC 2d 310 (1970), we stated: ". . . the Commission's allocation of frequencies for common carriers and for privates systems is premised on the basic philosophy that potential radio users, subject to certain limitations, should have the freedom to choose between meeting their needs through private facilities or taking service from carriers." *Id.* at 312.

[35] *See General Mobile Radio Service*, 13 FCC 1190 (1949).

[36] *See Cooperative Sharing of Operational Fixed Stations*, 4 FCC 2d 406 (1966); *In the Matter of Allocation of Frequencies Above 890 MHz*, 27 FCC 359 (1959). *See also, Aeronautical Radio Inc. v. AT&T Co.*, 4 FCC 155 (1937); and *Preston Trucking Company, Inc.*, 31 FCC 2d 766 (1970).

[37] No issue has been raised concerning the public interest benefits of cooperative sharing arrangements, where capital and operating expenses are prorated among participants (with no profit component). *See*, TNA Comments, 19, n. 12; *see also*, Page A Fone Comments, at 12, Mobile Communications Corp. of America Comments, at 23.

[38] Notice of Inquiry, PR Docket No. 79–107, 71 FCC 2d 1391 (1979).

[39] We characterized this proceeding thus, "The principal motivation for initiating an inquiry into community repeaters at 800 MHz is our desire to gain a better understanding of the relationship of multiple licensing practices and the major objectives of the Commission's regulatory plan for the private services at 800 MHZ * * * if the public interest requires specific action to eliminate or curtail the practice, that would be the subject of the next phase of this proceeding." *Id.* at 1391.

[40] Comments of TNA, at 19.

[41] Page A Fone argues: "These Comments [those of TNA], although clearly relevant to this proceeding, were not considered in the Tentative Decision. Whether or not the Commission accepts the legal and factual analysis presented in PR Docket No. 79–107 on behalf of the RCC industry, that analysis must be dealt with on a rational basis in any decision sanctioning the continuation of the present policies regarding community repeaters, as liberalized by the Tentative Decision." Comments of Page A Fone, at 26. A similar position is taken by MCCA, *viz.* Comments of MCCA, at 12–13.

TNA's comments are not dispositive of the charges of the anti-competitive practices which it alleges. It appears that its conclusions in several cases are either not supported by factual data or they are inadequately supported. In instances the submission draws conclusions which are inconsistent with assertions made elsewhere. In short, TNA's Comments in Docket 79–107 have arguable probative value at this point and cannot now be used to rationalize the affirmative conclusions urged by TNA. In light of the foregoing, we believe the public interest is served by defining once and for all without further delay the types of sharing we will allow in the private land mobile services below 800 MHz. These matters have been unsettled for almost twelve years, and have fostered uncertainty in the user community. Further delay is not warranted.

35. On the issue of whether the activities of third-party providers of radio equipment are detrimental to and destructive of common carrier service, as we noted in para. 31, *supra.*, there has been no demonstrated substantive injury to the common carrier industry or the public from the authorization of cooperative sharing and multiple licensing in the private services. We conclude that such activities are not detrimental to or destructive of common carrier service.

36. The beneficial effects of competition and open entry in the communications field are well known. *See e.g., Resale and Shared Use,* Docket No. 20097, 62 FCC 2d. 588 (1972), *aff'd sub nom. AT&T* v. *FCC,* 572 F. 2d. 17 (2nd Cir. 1978); *In re Regulatory Policies and Procedures for the Domestic Public Land Mobile Radio Service,* Docket No. 20870, 61 FCC 2d. 266 (1976); *Commonwealth Telephone Co.,* 61 FCC 2d. 246 (1976); *Carterfone,* 12 FCC 2d. 571 (1968); *Above 890,* 27 FCC 359 (1959). While most of these cases concern competition within the carrier industry, we do feel they stand for the general proposition that competition can spur innovation, flexibility and the development of the communications art.

37. It is also well settled that the speculative possibility of adverse effects will not support a policy to curtail competition. *AT&T* v. *FCC, supra; In re Regulatory Policies and Procedures for the Domestic Public Land Mobile Radio Service, supra; Above 890, supra; Carterfone, supra.* As we stated in a somewhat analogous situation:

> Any party who would have us retain restrictive licensing policies should be prepared to support such a position with concrete factual matter.[42]

Here, where what is being sought is the elimination of a long established licensing option that will affect thousands of licensees in the private services, we think such a standard is even more appropriate.[43] Moreover, the dramatic growth in the land mobile industry in the last decade, both in private and common carrier systems,[44] and the continuing demand by the carriers for additional spectrum in the very urban areas where the growth of private systems has been greatest in order to enable them to serve increasing numbers of customers clearly weakens the persuasiveness of their claims of "destructive" competition.[45]

38. The Commission's statutory mandate is to regulate interstate and foreign communications so as to make available to all the Nation's people rapid, efficient service with adequate facilities at reasonable charges and to encourage the larger and more effective use of radio in the public interest. This is promoted by sharing of systems and facilities in the private services.

Benefits

Spectrum Efficiency

39. Turning now to the issue of whether the multiple licensing of facilities and the cooperative sharing of systems have public benefits, in our Tentative Decision we concluded that permitting these arrangements in the private land mobile radio services promotes spectrum efficiency because it permits better frequency utilization of the limited spectrum resource than a multiplicity of base station transmitters would permit.[46] Additionally, we noted that compatible groupings of users are possible in these situations, so that channel assignments may be employed more efficiently by all. Further, we said that when facility costs are shared, each participant is more responsive to the day-to-day operating requirements of others. Finally, we pointed out that sharing permits the use of better mobile relay facilities and better sites (*i.e.,* ones from which better coverage is possible) and that this allows licensees to make more efficient use of the radio channels assigned to them and therefore enhances their ability to use radio in the furtherance of the public good.

40. At the same time we emphasized that we were not weighing the question of whether private systems or common carrier systems were more spectrally efficient. We pointed out that the two schemes of regulation are totally different.[47]

Effective Spectrum Utilization

41. With regard to the question of effective spectrum utilization, we pointed out in our Tentative Decision that the issue we were addressing was whether sharing within the private services promoted effective utilization, not whether common carrier offerings made more effective utilization of the spectrum than private land mobile joint use arrangements.

42. Thus, we observed that carrier managed radio facilities might in some cases more effectively use spectrum in the sense that channels are not assigned to carrier systems until "need" is demonstrated, and additional radio frequencies are not authorized unless a carrier licensee demonstrates that the capacity of its authorized facility is exhausted.[48] We added, however, that

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[42] *See In re Regulatory Policies and Procedures for the Domestic Public Land Mobile Radio Service, supra,* para. 8.

[43] TNA, MCCA, and Page A Fone also blame the Commission's Rules and Regulations in hindering their competition with third-party equipment suppliers. We are mindful of these types of concerns and we are attempting to address them. *See, e.g., Further Notice of Proposed Rule Making,* Docket No. 20870, 84 FCC 2d. 857 (1981).

[44] *See, e.g.,* Docket No. 80–440, FCC 80–484, 45 FR 83305 (Sept. 24, 1980) for a discussion of the growth in the use of land mobile radio.

[45] *See, e.g., Notice of Proposed Rule Making,* General Docket No. 80–183, 45 F.R. 32013 (May 15, 1980); *Supplemental Notice of Proposed Rule Making,* General Docket No. 80–183, 45 F.R. 73979 (Nov. 7, 1980); *Memorandum Opinion and Order and Notice of Proposed Rule Making,* Common Carrier Docket No. 80–189, 45 FR 32025 (March 15, 1980); *Report and Order,* Common Carrier Docket No. 80–189, 46 F.R. 38509 (July 28, 1981); *Errata,* Common Carrier Docket No. 80–189, 46 FR 44758 (Sept. 8, 1981); *Docket 20870,* 80 FCC 2d. 294 (1980). And further in this regard we noted, in *In re Elimination of Financial Qualifications in the Public Mobile Radio Service,* 82 FCC 2d. 152 (1980), at para. 5, that the common carrier mobile radio industry is a "relatively low-cost, low-risk business venture."

[46] Although it could be argued that a single large multiple licensed system is not as spectrally efficient as several smaller systems which would reuse the same channel, this disadvantage is offset by the operational incompatibilities and the greater expense associated with several systems.

[47] In this regard we noted that efficiency is a relative term and can be measured in a variety of ways. Thus, if interference contours (service areas) are employed, as in most common carrier operations, then the number of individual systems in a given area employing a common channel may be signficantly less than is possible in the absence of protected interference contours. We also pointed out, however, that the general aproach in the private land mobile services does not look towards the maintenance of a particular grade of service, as would be the case in most common carrier operations. We concluded that if grade of service is viewed as an important element of efficiency, then we had no way of comparing the efficiency of common carrier operations with the efficiency achieved through the assignment approach employed in the private land mobile services.

[48] In this regard we are constrained to add, however, that the Commission is in the process of

Continued

the rule-making record before us clearly manifested the dissatisfaction of some parties with the carrier services available to them. We also pointed out that the Commission's approach to allocating spectrum to private systems and carriers was different.[49]

43. We, therefore, concluded in our Tentative Decision and conclude herein that within the context of the private land mobile radio service where channels are generally not assigned on an exclusive basis, there were benefits in spectrum utilization gained from eligibles sharing common transmitting facilities. This cut down on the number of separate transmitter installations (sites) and on "equipment clutter." It also promoted greater assurance of compliance with our technical requirements, since it meant there were fewer transmitters which had to be maintained and inspected. Finally, we recognized that sharing could enable greater flexibility in locating transmitters at advantageous sites because sites too expensive for an individual licensee might be available if the site costs were spread over a broader economic base.

Economic Considerations Associated With Multiple Licensing and Cooperative Use

44. The next area of benefit we addressed in our Tentative Decision was the economic consideration associated with permitting these two types of arrangements. After considering the positions of the various parties, we concluded in the Tentative Decision and conclude herein that shared facilities are often cheaper than individual systems and therefore the public interest is furthered by allowing them.

Availability of Service

45. The last area we addressed under benefits was the "availability of service." Specifically, the private interests and their representatives maintained that cooperative sharing and multiple licensing should be allowed since common carrier facilities may not always be available or tailored to the individual and particularized requirements of potential users.[50] The carriers themselves had acknowledged that their facilities are not available everywhere or always. They had argued, however, when they are available they should be used in lieu of sharing.

46. After considering the matter, we stated in the Tentative Decision our belief that the issue of whether or not sharing in the private land mobile radio services should be allowed did not turn on the question of the availability or non-availability of carrier services. Rather, we stated the fundamental question went to the basic allocation issue: should radio spectrum be made available to classes of users to permit them to establish radio facilities of their own and to arrange freely in the marketplace for such equipment and services as they needed to enable them effectively to use the radio spectrum allocated to them for the conducting of their affairs?

47. We then pointed out that the Commission had answered this point affirmatively on a number of occasions.[51] We also noted that based on the record before us, we believed sharing facilities in the private land mobile radio services was a valuable option and that it should not be denied to persons classified by us as eligible in the private services.

48. In summation on this point, we stated that the allocations of spectrum to the private services have their own basis in terms of the public interest, convenience and necessity standard laid down in the Communications Act. These public interest findings are entirely separate and distinct from those which support the allocations made to systems for public communications. Each group has its own public interest rationale. This being so, we concluded there was public benefit to consumers in having a choice between private and common carrier services, and we therefore rejected the notion that in regions where both are available the former should give way to the latter. This being so, we concluded there was no reason to compel private licensees to forego cooperative sharing or multiple licensing options merely because common carrier service was available.

49. Generally, the private radio service interests enthusiastically endorsed these tentative conclusions. The carriers on the other hand reiterated their views that multiple licensing and cooperative sharing were undesirable because they placed carriers at a competitive disadvantage. In light of our previous discussion, we affirm our prior conclusions with regard to the public interest benefits involved in multiple licensing and cooperative sharing.

Rules

We now turn to the specific rules which we are herein adopting.

Packaging

50. The packaging policy, which has been described above, derived from a controversy in *Coleman Petroleum Engineering Co., supra.* Very briefly, in the Coleman case, Caprock Radio Dispatch, an RCC, had complained that Mrs. Nellie Woodruff, a third party, had combined her telephone answering service functions with dispatching and equipment rental. Caprock contended that the arrangement was *de facto* and *de jure* common carriage. We rejected this notion, but stated our intention to look into arrangements of this type in a rule making proceeding.

51. In this docket, therefore, we put into issue the question whether licensees of cooperatively shared or multiple-licensed systems of communications should be permitted to obtain both equipment and dispatching (including transmitter control) services from the same third party. Our concern was not that expressed by the carriers,

considering means of eliminating and/or objectively quantifying "need" showing for applicants and licensees in the Domestic Public Land Mobile Radio Service. *See Notice of Proposed Rule Making,* General Docket No. 80-183, 45 F.R. 32013 (May 15, 1980); *Supplemental Notice of Proposed Rule Making,* General Docket No. 80-183, 45 F.R. 73979 (Nov. 7, 1980).

[49] Frequencies are assigned to common carriers and made available to enable them to provide public communications services, of a grade which is, in essence, assured through our frequency asignment and interference protection policies. In such circumstances, there may be a regulatory requirement to examine need ("necessity" under the Act) in terms of the services offered and utilization of existing channels; concomitantly, others have standing to protest licensure of common carriers on the basis that they have no need for spectrum to support proposed services. In contrast, in the private services the Commission determines need in terms of generic categories of users (e.g., power companies, police departments, hospitals, businesses, etc.). These determinations are made through the rulemaking process, with radio frequencies allocated for use by generic classes of "eligibles" (categories of licensees eligible for licensing for such frequencies) based on a demonstration in the proceeding of each generic class' need. After such rulemaking, individual frequency assignments are made within the allocation to users which are eligible for use of the frequency, as defined by the adopted rules. These eligibles must share channels with other eligibles (for example, business licensees must share channels with other business licensees). The grade of service attained may be significantly inferior to the grade of service obtainable from a radio common carrier, and messages in the private services, unlike those in common carrier services which are unrestricted, must be restricted to the activity which established eligibility (*e.g.*, messages in the police services must be official police communications and may not be personal). In sum, the Commission examines need in the private services by class of eligibles, and not by licensee.

[50] In this regard it had also been argued by the private land mobile interests that the autonomy they have as licensees in the private services is important. If sharing were removed, they complained, this option would effectively be denied to all but those who found it economically feasible to construct individual private systems.

[51] *See, e.g., Special Emergency Radio Service; Report and Order,* Docket No. 17561, 24 FCC 2d 310 (1970); *In re Joe A. Coleman, d.b.a. Coleman Petroleum Engineering Co., Memorandum Opinion and Order,* 24 FCC 2d 378 (1970); *General Mobile Radio Service,* 12 FCC 1190 (1949).

i.e., that packaged service was a common carrier offering, but rather that in arrangements in which licensees relied on a single third party for associated equipment and dispatching service, there might be a propensity to abdicate to this third-party effective system control.

52. Throughout this proceeding the private interests have opposed this approach; they maintain it is not necessary to our regulatory objective of assuring that licensees control the operation of their systems. *See* 47 CFR 90.403. The carriers, on the other hand, have expressed the view that retention of the prohibition on the offering of packaged service would "aid the Commission in identifying private systems which are functionally equivalent with regulated carriers."[52]

53. After reviewing the record of this proceeding, we affirm our tentative conclusion that the offering of a packaged service, of itself, is not common carriage. However, we are of the view that retention of packaging restrictions for these systems further assures licensee control. Moreover, for the past ten or more years in which we have had the packaging doctrine, there have been no demonstrated adverse effects. Accordingly, we will adopt rules retaining present packaging restrictions.

Cooperative Sharing

54. In our Tentative Decision we delineated three stages in the evolution of cooperative sharing. We also noted that we had limited in the past cooperative arrangements in which the licensee of the cooperative system made equipment or service available to other participants at no cost, or less than cost, but then profited out of the provision of associated equipment or service, *i.e.*, the Stage II cooperative. We also pointed out that in reaction to our limitation of Stage II cooperatives, the Stage III cooperative arose. In this situation no monies for the operation of the system were paid to the licensee. Instead, payments by each participant were made to third parties. In our decision in docket No. 20097 [53] we defined sharing as "a non-profit arrangement in which several users collectively use communications services and facilities * * * with each user paying the communications related costs associated therewith according to its pro rata usage of the communications services and facilities." [54] On reconsideration, we defined sharing "as a non-profit arrangement where several users collectively use, and allocate among themselves the cost of communications services or facilities." [55] Although these decisions were directed towards the sharing of a carrier provided service, we believe the concept can usefully be applied here. If a private land mobile system is to operate under our cooperative sharing rules, then we believe that the costs associated with the system, that is, the services and facilities operated pursuant to the licensee's authorization, should be: (1) prorated by the licensee and apportioned among the participants on a non-profit, equitable basis, *i.e.*, no profit out of any aspect of the sharing arrangement accrues to the licensee or any participant; (2) collected by the licensee; and (3) paid by the licensee to the third party providers, to the extent equipment or service is received from them. This approach is consistent with our conclusions in Docket No. 20097 [56] and promotes consistency in the application of our rules and procedures. We are, therefore, confining cooperative sharing to the Stage I cooperative, because in a Stage I cooperative, all these elements exist.

Prior Approval of Cooperative Sharing Arrangements

55. By and large, the private land mobile interests applaud the proposed elimination of prior approval of cost-sharing arrangements by the Commission. They argue that such deregulation will promote efficiency, and that retention of such a requirement is unnecessary in light of the delineation in our rules of the requirements for cooperative sharing.[57] This view, however, was not shared by the carriers.[58] They felt that the prior filing and approval requirement should be retained to enable "interested parties acting as 'private attorneys general' to investigate questionable practices on their own so that they can bring evidence of rule violations to the Commission's attention." [59]

56. We conclude after considering the various arguments that the rules we are adopting adequately set out the parameters of permissible cost sharing. In consideration of the fact that we are requiring licensees (1) to compile and maintain records reflecting the non-profit nature of the arrangement, and (2) to hold them available for inspection and audit, we conclude this is sufficient for our administrative purposes. We are therefore not requiring the prior submission and approval of cost sharing arrangements.

(b) Nonprofit Corporations and Associations

57. We proposed requiring nonprofit corporations and associations of users eligible for licensing in several of the private land mobile radio services [60] to comply with the new rules governing cooperative use. Nothing in the record persuades us this is not in the public interest. The rules we are adopting therefore require it.

(c) Sharing Between Parent and Subsidiary Corporations

58. A number of parties expressed concern that the proposed rules would require the subsidiaries of a common parent corporation to follow cost-sharing procedures, *e.g.*, in terms of the records to be kept and the reports to be filed with the Commission. We did not intend this. Where a communication service is provided by a subsidiary to its parent or to a sister subsidiary, cost sharing, as such, is not involved. The revised rules set out in the *Appendix* state this explicitly.

(d) Sharing Among Joint Venturers

59. A similar concern was voiced by TAPS Communication Association, but its focus was on the application of the cooperative use rules to joint ventures. We feel the same policy would apply as in the case of parent and subsidiary, *i.e.*, if the communication service is provided essentially to the same entity or party-in-interest, then cooperative use is not

[52] Comments of Page A Fone Corporation, at 23.

[53] *Resale & Shared Use of Common Services, Report and Order*, Docket No. 20097, 60 FCC 2d 261 (1976).

[54] *Id.* at 263.

[55] *Resale and Shared use of Common Carrier Services Memorandum Opinion and Order*, Docket No. 20097, 62 FCC 2d 588 (1977) at 600, aff'd, *AT&T v. FCC*, 572 F. 2d 17 (2nd Cir. 1978).

[56] *Id.* at fn. 19.

[57] *See e.g.*: "Instead of requiring prior submission and approval of the sharing plan as originally proposed, the revised proposal simply set forth the parameters for cost sharing and requires that records reflecting the nature of the cost sharing arrangement be maintained for possible inspection and audit. In the interest of eliminating unnecessary regulations and easing the Commission's administrative burdens, the Central Committee submits that the adoption of rules reflecting this policy will serve the public interest." Comments of API, at 11.

[58] "Thus, at a minimum, licensees of shared PLMRS facilities should be required to file with the Commission all agreements concerning their use and the sharing of the costs thereof. These records should include all service agreements with individual users. Moreover, shared operations should be required to file a detailed annual report with the Commission—which report should, at minimum, set forth (a) the name, address and business of each shared user; (b) a detailed itemization of all capital and operating expenses applicable to the facility during the subject calendar year; and (c) the prorated contribution made by each user during that year." Comments of Mobile Communications Corporation of America, at 32.

[59] *Id.* at 31–32.

[60] *See* 47 CFR 90.61 and 90.67.

involved. There may be special circumstances where we would not reach this conclusion, but as a general rule this is the policy we will follow.

(e) Control Station and Control Point Authorizations

60. We have mentioned that neither our prior nor our present practice permits participants in cooperative use arrangements to control the licensee's base station facility. In the Tentative Decision, we proposed separate licensing of participants in cooperative sharing arrangements for control points or stations of their own, located on or at their premises, should they so desire, if the base station licensee consents and provided all operation took place under the control of the base station licensee. This approach was generally supported; therefore, our final rules allow it.

(f) Annual Reports

61. We proposed rather detailed record keeping requirements and the filing of detailed annual reports where (under cooperative use) costs are shared, with the licensee reimbursed either in full or in part for his or her capital or operating expenses. PLMRS licensees opposed the new requirements. Some thought them burdensome, and others said they were not at all justified, suggesting that the licensees could keep adequate records at their stations and could make these reports available upon reasonable request for inspection or audit by Commission personnel. Further, it was pointed out, the Commission could always require the licensees to furnish any needed information as to their cost-sharing arrangements; that this was a statutory right of the Commission; and that, in these circumstances, some flexible standard could be devised and still serve the Commission's purpose. As noted above, the carriers opposed this for the reasons previously outlined. We conclude that the submission of annual reports on a routine basis is not necessary. To the extent we wish to examine these reports they must be made available. We believe this satisfies our regulatory requirement to be able to assure our rules are being followed. Our rules therefore do not require the filing of annual reports.

(g) Addition of Participants

62. We also proposed elaborate notification procedures when users were added to cooperative use sharing arrangements. We are looking for ways to simplify administrative procedures and we find we can do so here with no adverse effect. Thus, our modified rule allows licensees to add participants without notification or approval by us.

(h) Mobile Stations in Third-Party Vehicles

63. We had planned to clarify our rules by separating out those arrangements involving cost sharing from those in which none was involved, *e.g.*, where a subsidiary corporation provided radio service to its parent or to another subsidiary of the same parent and where radio service was provided by a licensee to a third party furnishing, under a contract, "non-radio services" to the licensee. In the interim, we developed a new rules structure in consolidating Parts 89, 91, and 93 under the new Part 90. In doing so, we took care of most of the situations mentioned. *See* 47 CFR 90.61, 90.87, and 90. 421. Accordingly, consistent with the Tentative Decision, we will not adopt the separate rules proposed in the original Notice for mobile stations in third party vehicles.

4. Multiple Licensing Arrangements

(a) Unrestricted Transmitter Access

64. Since under multiple licensing arrangements, the base station transmitter is usually at some location remote from the licensees' places of business, we proposed to require a means of unlimited and unconditional access by each licensee to all shared transmitting equipment. While no objection to this proposal was voiced, concern was expressed that in certain cases, such as roof-top locations, site-lessors might be reluctant to permit each licensee to access the transmitter site on demand.

65. While we are mindful of these concerns, we conclude, nonetheless, that each licensee in the private land mobile radio service consistent with his or her status as a licensee must have unlimited and unconditional access to the transmitter for which the licensee is authorized. However, in a fashion analogous to the sharing of an antenna structure for which each licensee has lighting and maintenance responsibility, we will permit the licensees in a multiple licensing arrangement to select one of their number to have primary access responsibility.[61]

(b) Joint and Several Operating Responsibility

66. Our initial plan was to require all persons jointly licensed to use and operate a common facility to be both jointly and severally responsible for the transmitter shared. This was modified in our Tentative Decision. The parties pointed out that joint and several responsibility was an impractical and unfair requirement, that more properly each licensee should be held accountable for his or her individual use and operation of the shared system; and that in the circumstances the rule should not be adopted. After consideration of the arguments before us, we agree. Under multiple licensing each licensee can be held accountable for his or her use and operation of the shared facility, and we think it more equitable that such responsibility be limited as suggested.

(c) Prior Consent for Participation

67. In our original plan, we proposed a rule which would have required all persons sharing a particular facility to consent to the addition of any new participant. The parties thought this unreasonable, since any one participant for any reason could refuse to consent to new users being added. The consequence might well be to drive the costs up to a point at which sharing would not be beneficial. Moreover, the need for the rule was questionable, since any dissatisfied user, as a licensee, could move off the shared facility and establish his or her own station, either at the same site or at some site nearby. Upon further consideration of this matter, we agree with these views. Under multiple licensing, licensees have freedom to modify their licenses and change facilities or to construct their own facilities using the same frequency assignments. Accordingly, we are not adopting final rules on this point.

(d) Payments Among Participants

68. We also proposed in 1970 to forbid payments between persons sharing common transmitting facilities under multiple licensing. This we thought desirable to distinquish multiple licensed sharing arrangements from cooperative use, thereby drawing an absolute and very definitive line between the two. This approach was opposed by several parties. They argued that in many instances persons furnishing service, *e.g.*, equipment companies, have legitimate communication requirements of their own. In such circumstances, the option would be for such equipment companies to build a second facility for their needs, keeping separate ones for use by their customers. Notwithstanding this effect we feel that licensees of community repeaters should not be permitted to profit from the furnishing of equipment or service to other licensees. Therefore, payments among persons sharing

[61] *See* 47 CFR 90.441(b).

common transmitting facilities under multiple licensing will be prohibited.

(e) System Designators

69. To better identify multiple licensed facilities and to account for the number of persons being accommodated through them, we proposed assigning a "system designator" to each shared repeater or shared base mobile system. Since that time, we have found other ways to identify such facilities, including the licensees sharing them and the number of mobile units serviced. In these circumstances, we no longer have a need for the "system designator," and we are not adopting final rules on this point.

(f) Termination of Use

70. It had been our plan to require licensees to notify us of termination of use of a particular facility, and to submit their licenses for cancellation within a specified time. While we are mindful of the comments of those who urge adoption of this rule, citing the benefit of improved frequency coordination, we conclude [62] this proposal is far too restrictive. It does not take into account those situations in which licensees might want to continue to use their assigned channels, perhaps at different sites. As we have already noted, a licensee's authorization does not run to a particular facility. Thus, notification of termination of use of a particular station and a cancellation requirement are not appropriate.

(g) Miscellaneous Matters

1. Public Notice Proposal

71. The radio common carriers requested that public notice be given for all applications proposing cooperative use or multiple licensing and that interested persons be afforded an opportunity to protest. *See* Section 309 of the Communications Act of 1934, as amended, as implemented at § 1.962 of the rules. This was not an area in which we requested comments. We have concluded earlier that such procedures were not necessary. *See Multiple Licensing—Safety and Special Radio Services, supra,* at 515.

72. Nevertheless, TNA and others again requested such procedures, arguing that the dangers of non-compliance with the rules by applicants for cooperative use and multiple licensed facilities were such as to require the services of "private attorney generals," *i.e.,* carriers who would review pending applications and, where appropriate, file petitions to deny.

73. TNA and others with this view presented no new information to support their conclusion. Further, it is apparent that such petitions could be used by carriers as a dilatory tactic to postpone commencement of private service. This would not be in the public interest. Policy issues as to licensing that are raised repetitively are appropriate subjects for rule making and should be handled as such rather than on an *ad hoc* basis. Further, we have administered cooperative use and multiple licensing arrangements for many years, and we have found no evidence to support the contention that there is a need for "private attorney generals" to review applications for such arrangements. Our rules will define the types of sharing we will allow and the conditions under which these arrangements will be authorized. Eligibility standards formulated through rule making, as stated earlier in this proceeding, are preferable to case-by-case determinations. Moreover, the procedures sought by the carriers would have an adverse impact on our ability to process the large volume of land mobile applications which we receive each day. See *Multiple Licensing—Safety and Special Radio Services, supra,* at 515. Based on our experience, this disruptive effect would not be offset by any significant benefits to be gained from these procedures. Therefore, we affirm our earlier decisions not to extend the Section 309 notice procedures to land mobile applications, except to the extent they presently apply. [63]

2. Rule Consolidation

74. As we noted earlier, Parts 89, 91, and 93 of our rules have been consolidated into a single Part 90. We therefore proposed to consolidate our rules governing multiple licensing and cooperative use into the rule provisions under this new Part 90.

3. Procedural Issues

75. Both TNA and MCCA state that they have been given an insufficient amount of time to prepare their comments in response to the Tentative Decision and Notice of Inquiry and Proposed Rule Making. MCCA questions the validity of the proposal to adopt final rules which, it says, are a radical departure from the direction of the original proposal. TNA believes the Tentative Decision is not a reasonable foundation document for many reasons, including lack of an evidentiary hearing, lack of formal finding of fact, and lack of rulings upon disputed issues of fact. We find all of these arguments without merit as a predicate for our inability to issue a final decision in these matters.

76. TNA also claims that the comments filed by John D. Pellegrin, Esquire, in this proceeding are improper and must be stricken from the record because Mr. Pellegrin is not an "interested person" within the meaning of 5 U.S.C. 553(c) or under 47 CFR 1.415(1). TNA's Motion to Strike is denied. [64] The term "interested person" in rule making proceedings is broad, and we feel clearly encompasses, in this context, Mr. Pellegrin. TNA also purports to "invoke" 47 CFR 1.22, to require Mr. Pellegrin to show his authority to act in a representative capacity. We are constrained to point out that it is the Commission, not TNA, which has the authority to invoke this rule section. Given that Mr. Pellegrin is an "interested person" separate and apart from any agency or representation, and given his statement that he represents various clients who are "participants in cooperative/shared use arrangements," the Commission sees no need to invoke 47 CFR 1.22.

Regulatory Flexibility Statement

Statement in Compliance With Regulatory Flexibility Act

77. This Report and Order adopts rules required to codify and regulate cooperative use and multiple licensing operating practices that have evolved with the advent of new technology and advanced marketing practices.

78. In our Initial Regulatory Flexibility Analysis, we determined that the availability of a wide range of alternatives in this docket resulted in the possibility that actions taken in this proceeding could have an economic impact on both the licensees and users of private radio systems and on public common carrier systems, many of which, in each case, are small business entities. No comments, however, were raised in direct response to the Initial Regulatory Flexibility Analysis.

79. The major economic concern of private radio system licensees and users was the possibility that we would eliminate cooperative sharing and multiple licensing in the private services entirely. This *Report and Order* affirms

[62] In many instances, whether a licensee is an individual system operator or is part of a shared system, he forsakes the use of his radio system, although his license term will not expire for years. Absent receipt of the licensee's authorization for cancellation, the Commission does not expunge that licensee from its records.

[63] *See* 47 CFR 1.962.

[64] TNA's Motion to Strike was made in its Reply Comments to the Further Notice. Mr. Pellegrin submitted a response to TNA's Reply Comments together with a request to accept the additional response. Mr. Pellegrin's request to Accept Additional Response is granted.

the permissibility of cooperative sharing and multiple licensing. While private radio system licensees also expressed concern about the "packaging doctrine," which, they maintain, prevented them from freedom of choice in the marketplace and increased their costs, we have retained the doctrine as a method of assuring appropriate licensee control. The packaged service prohibition has been in effect for over a decade and we conclude it has no serious demonstrable adverse affect on licensees. Nothing we are doing here imposes additional burdens or hardships on small entities.

80. The major economic concern of public common carrier systems was their inability to maximize profits because of the available option of private user systems. Nonetheless, we found that the public interest is served by allowing small entities eligible in the private services a variety of means of satisfying their communication requirements. We also concluded that most of the practices we are finalizing have been in existence for many years, and the record demonstrates no harm to carrier operations.

81. In sum, we conclude these rules do not have a significant additional economic impact on a substantial number of small entities. They also impose no additional record keeping requirements and eliminate some restrictions that have heretofore been required.

IV. Ordering Clauses

82. Accordingly, it is ordered, effective May 20, 1982, that 47 CFR Part 90 is amended as shown in the Appendix attached hereto. The authority for this action is found in sections 4(i) and 303 of the Communications Act of 1934, as amended. 47 U.S.C. 4(i) and 303. All existing systems must bring themselves into compliance with these rules by September 1, 1982.

83. It is further ordered that this proceeding is terminated.

84. For further information concerning this document, you may contact John Borkowski, (202) 632–7597.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,

Secretary.

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

Appendix

Part 90 of the Commission's rules is amended as set forth below.

1. Section 90.35(a)(6) is revised to read as follows:

§ 90.35 Medical services.

(a) * * *

(6) Physicians, schools of medicine, oral surgeons, and associations of physicians or oral surgeons. Associations are subject to the provisions of § 90.179 governing the cooperative use of radio stations.

* * * * *

2. Section 90.61 is revised to read as follows:

§ 90.61 General eligibility.

(a) In addition to the eligibility shown in each Industrial Radio Service, eligibility is also provided for any corporation proposing to furnish nonprofit radiocommunication service to its parent corporation, to another subsidiary of the same parent, or to its own subsidiary provided the party served is regularly engaged in any of the eligibility activities set forth in the particular service involved. This corporate eligibility is not subject to the cooperative use provisions of § 90.179.

(b) Eligibility is also provided for a nonprofit corporation or association that is organized for the purpose of furnishing a radio communications service to persons actually engaged in any of the eligibility activities set forth in the particular service involved. Such use is subject to the cooperative use provisions of § 90.179.

3. Section 90.87 is revised to read as follows:

§ 90.87 General eligibility.

(a) In addition to the eligibility shown in each Land Transportation Radio Service, eligibility is also provided for any corporation proposing to furnish non-profit radiocommunication service to its parent corporation, to another subsidiary of the same parent, or to its own subsidiary provided the party served is regularly engaged in any of the eligibility activities set forth in the particular service involved. This corporate eligibility is not subject to the cooperative use provisions of § 90.179.

(b) Eligibility is also provided for a non-profit corporation or association that is organized for the purpose of furnishing a radiocommunication service to persons actually engaged in any of the eligibility activities set forth in the particular service involved. Such use is subject to the cooperative use provisions of § 90.179.

4. Section 90.179 is revised to read as follows:

§ 90.179 Cooperative use of radio stations in the mobile and fixed services.

(a) Licensees of radio stations authorized under this part may share the use of their facilities with other eligible persons, subject to the following conditions and limitations.

(1) Sharing of radio facilities may occur only on frequencies for which all participants would be separately eligible for assignment.

(2) All facilities to be shared must be individually owned by the licensee, jointly owned by the participants and the licensee, leased individually by the licensee, or leased jointly by the participants and the licensee.

(3) The licensee must maintain access to and control over all facilities authorized under its license.

(4) Facilities may be shared only: (i) Without charge; or (ii) on a non-profit basis, with contributions to capital and operating expenses including the cost of mobile stations and paging receivers operated pursuant to the licensee's authorization prorated equitably among all participants; or (iii) on a reciprocal basis, *i.e.*, use of one licensee's facilities for the use of another licensee's facilities without charge for either capital or operating expense.

(5) All sharing arrangements must be conducted pursuant to a written agreement to be kept as part of the station records. The arrangement for shared use must be made directly between the licensee and the participants. Where the facilities are shared on a cost-sharing, non-profit basis, the agreement between the parties shall set forth the method(s) employed for determining the capital and operating expenses of the shared facilities and for allocating these costs among the participants on a prorated basis. If the arrangement involves no cost-sharing, or if the sharing is on a reciprocal basis, the agreeement between the parties must so state and must provide sufficient details to show that this is the arrangement.

(6) No person providing any radio equipment, or maintenance and repair, or dispatching, or telephone answering services for profit for use in or in connection with a shared system, and no employee or agent of such person, may be an officer, director, partner, or employee of the licensee of that system or own or control the licensee of that system.

(7) The licensee or participants in a shared system may not provide any of the equipment used in the system, nor dispatch, telephone answering, or maintenance and repair services to any person sharing the system, except

pursuant to the terms of the cost sharing agreement.

(8) A person who furnishes or has furnished through sale, lease arrangements, or otherwise any of the radio equipment used to operate a cooperatively shared radio station may not provide dispatch service to the licensee of the radio station or to any person cooperatively sharing operation of the licensee's radio station.

(b) Participants in the shared arrangements may obtain a license for their own mobile units (including control points and/or control stations for control of the shared facility). If mobile stations are licensed to participants, the licensee of the shared facilities must maintain a means of isolating and deactivating, or disconnecting from the system any such mobile station, control station or control or dispatch point, or should that not be feasible, deactivating the base station transmitter(s) or repeater(s).

(c) When costs are shared, the licensee must keep records of the following:

(1) Identity of each participant.

(2) Date each participant commenced use.

(3) Date each participant terminated use.

(4) All capital and operating costs incurred for the system.

(5) All charges to each participant and all payments received from each participant, separately stated.

(6) The method of calculation of costs to participants.

Such records must be kept current and must be made available upon request for inspection by the Commission.

(d) When costs are shared, costs must be distributed at least once a year. A report of the cost distribution must be prepared by the licensee, placed in the station records, retained for three years, and be made available to participants in the sharing and the Commission upon request.

§ 90.181 [Reserved]

5. Section 90.181 is removed and reserved.

§ 90.183 [Reserved]

6. Section 90.183 is removed and reserved.

7. Section 90.185 is revised to read:

§ 90.185 Multiple licensing of radio transmitting equipment in the mobile radio service.

Two or more persons eligible for licensing under this rule part may use the same transmitting equipment under the following terms and conditions:

(a) Each licensee complies with the general operating requirements set out in § 90.403 of the rules.

(b) Each licensee is eligible for the frequency(ies) on which the licensee operates.

(c) Each licensee must have unlimited and unconditional access to the transmitter for which the licensee is authorized.

(d) No consideration shall be paid, either directly or indirectly, by any participant to any other participant for, or in connection with, the use of the jointly licensed facilities.

(e) No participant shall furnish to any other participant with or without charge, any equipment or service, or facility of any kind, for use in connection with the facility.

(f) A person who furnishes or has furnished through sale, lease arrangements, or otherwise any of the radio equipment used to operate a multiple licensed system may not provide dispatch service to the licensee of any radio station authorized to operate the multiple licensed system.

§ 90.391 [Amended]

8. Section 90.391 is amended by removing paragraph (b), redesignating paragraphs (c) through (h) as (b) through (g), and revising the new paragraph (d) to read as follows:

* * * * *

(d) Licensees furnishing service to eligible persons on a not-for-profit, cost-shared basis shall comply with the provisions of § 90.179 of the rules, and shall, within 30 days of the close of the first full calendar year of operation, and each year thereafter, submit a report setting forth the current total number of mobile units operated by each user and a statement showing whether these units are of the vehicular or portable type.

9. Section 90.421 is amended by revising paragraph (j) to read as follows:

§ 90.421 Operation of mobile units in vehicles not under the control of the licensee.

* * * * *

(j) Mobile units licensed to an eligible in the Railroad Radio Service may be installed in vehicles operated by organizations providing, under contract, facilities or service in connection with railroad operation or maintenance including pickup, delivery, or transfer between stations of property shipped, continued in, or destined for shipment by railroad common carrier. Parties to the contract must comply with the provisions of § 90.179.

[FR Doc. 82-12332 Filed 5-5-82; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Determination of Spiranthes parksii (Navasota ladies'-tresses) to be an Endangered Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The U.S. Fish and Wildlife Service determines a plant, *Spiranthes parksii* (Navasota ladies'-tresses), to be an Endangered Species under the authority contained in the Endangered Species Act. This plant occurs in Texas and is primarily threatened due to extremely low numbers, urbanization, and possible over-utilization. This determination of *Spiranthes parksii* to be an Endangered Species implements the protection provided by the Endangered Species Act of 1973, as amended.

DATES: This rule becomes effective on June 7, 1982.

ADDRESSES: Questions concerning this action may be addressed to the Director (FWS/OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, 703/235-1975.

SUPPLEMENTARY INFORMATION: *Spiranthes parksii* (Navsota ladies'-tresses) is endemic to Brazos County, Texas. It was first collected by Dr. H. B. Parks along the Navasota River in Brazos County, Texas, in 1945. Correll described the species in 1947 based upon the Parks collection. Subsequent efforts to relocate the species in the late forties and fifties were unsuccessful and it was thought to have become extinct. However, in 1978, P. M. Catling rediscovered the species in Brazos County near College Station. Recent searches have resulted in relocation of a second population near the type locality. In 1978, a total of 20 plants were observed at these two stations. In 1979, nine plants were observed at these two stations.

Spiranthes parksii is a small herbaceous perennial orchid which measures approximately 30 cm tall. Most of the leaves are basal and grass-like. The flowering stalk is slender bearing small white flowers with a green mid-vein. *Spiranthes parksii* is one of the rarest and least known orchids of North America.

Spiranthes parksii is endemic to Brazos County, Texas. One population occurs near College Station, where urbanization is increasing and no protection status for the orchid exists. The second population occurs in a rural area on a ranch where the primary use of the land is hunting. No protection status exists at this site either. The extremely small total population size makes *Spiranthes parksii* highly vulnerable to extinction. Due to its rarity and the widespread interest in orchid cultivation, this species may also be sought by collectors.

This rule determines *Spiranthes parksii* to be Endangered and implements the protection provided by the Endangered Species Act, as amended. The following paragraphs further discuss the actions to date involving this plant, the threats to the plant, and effects of the action.

Background

Section 12 of the Endangered Species Act of 1973 directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be endangered, threatened, or extinct. This report, designated as House Document No. 94–51, was presented to Congress on January 9, 1975. On July 1, 1975, the Director published a notice in the **Federal Register** (40 FR 27823–27924) of his acceptance of the report of the Smithsonian Institution as a petition within the context of Section 4(c)(2) of the Act, and of his intention thereby to review the status of the plant taxa named within.

On June 16, 1976, the Service published a proposed rulemaking in the **Federal Register** (41 FR 24523–24572) to determine approximately 1,700 vascular plant species to be Endangered Species pursuant to Section 4 of the Act. This list of 1,700 plant taxa was assembled on the basis of comments and data received by the Smithsonian Institution and the Service in response to House Document No. 94–51 and the July 1, 1975 **Federal Register** publication. *Spiranthes parksii* was included in the July 1, 1975, notice of review and the June 1976, proposal. General comments on the 1976 proposal were summarized in an April 26, 1978, **Federal Register** publication which also determined 13 plant species to be Endangered or Threatened (43 FR 17909).

The Endangered Species Act Amendments of 1978 required that all proposals over two years old be withdrawn. A one year grace period was given to proposals already over two years old. On December 10, 1979, the Service published a notice withdrawing the June 16, 1976 proposal along with four other proposals which had expired. A status report on this species was compiled in 1980 through Service contract. This status report and information gathered by Service personnel in the summer of 1980 provided new biological and economic data on *Spiranthes parksii*. The Secretary determined that sufficient new information was available to repropose *Spiranthes parksii* (45 FR 41326) on June 18, 1980.

In the June 24, 1977, **Federal Register** (42 FR 32373–32381), the Service published a final rulemaking under 50 CFR 17 detailing the regulations to protect Endangered and Threatened plant species. The rulemaking established prohibitions and permit procedures to grant exceptions, under certain circumstances, to the prohibitions.

The Department of the Interior has determined that this document is not a major rule under E.O. 12291. Since this rule was proposed before January 1, 1981, a Determination of Effects on Small Entities is not required by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule does not contain information collection requirements which require approval by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3507).

Summary of Comments and Recommendations

In the June 18, 1980, **Federal Register** proposed rule (45 FR 41326) and associated notifications and press releases, all interested parties were requested to submit factual reports or information which might contribute to the development of a final rule. A letter was sent to the Governor of Texas notifying him of the proposed rule and soliciting his comments and suggestions. All comments received during the period from June 18, 1980, through October 9, 1980, were considered and these are discussed.

The Governor of Texas had two comments on the proposal: The first concerned the effects of the Navasota ladies'-tresses proposal on the State highway system which was difficult for Texas to determine without knowledge of the actual locations. The U.S. Fish and Wildlife Service has responded to this concern by providing the Texas State Department of Highways and Public Transportation with a generalized map showing the locations of this species. Based on this information, it was determined that the listing of *Spiranthes parksii* is not likely to have any effect on that Agency.

Governor Clements second concern was the potential conflict between the Navasota ladies'-tresses proposal and the federally-authorized Millican Reservoir Project. While the site as authorized by Congress would have posed no conflict, the U.S. Corps of Engineers has evaluated alternative sites so as to avoid substantial lignite deposits for energy needs in the original project area. Since there was the possibility that populations of this species could lie within the alternate sites, potential conflicts between the project and the species and its habitat were further investigated.

The U.S. Army Corps of Engineers (ACE) biological assessment in 1981 of the proposed sites determined the closest Navasota ladies'-tresses or other Endangered and Threatened species to be over a mile from the proposed project sites. The Army Corps has concluded, and it is expected that, the Millican Project should have no affect on the plant.

A member of the U.S. Department of Agriculture Research Service in College Station commented on the habitat requirements of *Spiranthes parksii*, in response to information presented in the proposal. He believes that this plant is not fire-dependent; rather, the open habitat is maintained by soil type, erosion and grazing without the necessary intervention of fire. He goes on to emphasize the threats to *Spiranthes parksii*.

A member of the Department of Botany at the University of Toronto, submitted comments supporting the intent of the proposal. The commentor questioned the extent of the threat posed by collecting and therefore the failure to propose Critical Habitat for *Spiranthes parksii*. The Service feels that while collecting may not be extensive at this time, it remains a potential threat. Only 9–20 individuals of this taxon have been counted since its rediscovery. Because of its limited number, the species could be desired for its rarity or due to the extensive interest in orchid cultivation.

For this reason, the Service concluded that *Spiranthes parksii* would be better protected if Critical Habitat were not formally designated. Designation of Critical Habitat requires that maps of

the affected area be published in the Federal Register and local newspapers. The Service believes that calling attention to this plant in that fashion would make it more vulnerable to extinction. Agencies whose activities may impact the species have been notified of its general locations, thus minimizing the possibility that they will unintentionally destroy the two known sites where *Spiranthes parksii* occurs.

A member of the Department of Biology at Texas A & M University in College Station wrote in support of the proposal of *Spiranthes parksii* to be an Endangered Species.

No public meeting was requested on this listing. No one offered any comments opposing this listing. The Service made efforts to contact the private owners. One owner was reached who supported the listing. No response was received from the second landowner.

Conclusion

After a thorough review and consideration of all available information, the Director has determined that *Spiranthes parksii* Correll (Navasota ladies' tresses) is an Endangered species throughout all or a significant portion of its range due to one or more of the factors described in Section 4(a) of the Endangered Species Act. The Director has determined that *Spiranthes parksii* is primarily affected by factors numbers 1, 2, 4, and 5.

All five factors and their application to *Spiranthes parksii* are as follows:

(1) *Present or threatened destruction, modification, or curtailment of its habitat or range. Spiranthes parksii* (Navasota ladies'-tresses) occurs in Brazos County, Texas, as two very small populations on private land comprising 20 plants in total. The larger is in the southeastern part of the county on the outskirts of the College Station-Bryan urban area. Expanding urbanization threatens to destroy this population unless proper planning for the species protection takes place. The second population occurs on a ranch and the only land use is for hunting, however, no protection status exists for the species at this site.

Neither site for this plant currently receives any protection status. Unless proper planning occurs and unless agreements are negotiated to protect the habitat of this rare orchid, the species will remain highly vulnerable to extinction.

Additional potential habitats for this species were searched without success. Thus, two very small populations represent the entire known range of the species.

(2) *Overutilization for commercial, sporting, scientific or educational purposes. Spiranthes parksii* is a rare endemic that is currently little known to the general public. At present, the taking of specimens for scientific study is minimal. Commercial and private taking by the public is a potential threat to this species of rare orchid.

(3) *Disease or predation.* There is no evidence that either disease or predation is a contributing factor to the endangered status of this species.

(4) *The inadequacy of existing regulatory mechanisms.* There is currently no State or Federal protection for *Spiranthes parksii.*

(5) *Other natural or manmade factors affecting its continued existence. Spiranthes parksii* is endemic to small openings in post oak woodland in Brazos County, Texas. The severely restricted distribution of this species to two stations and the extremely low population level intensify any adverse effects (either manmade or natural) occurring in the habitat of this plant. Accidental browsing of the species could occur since no fencing or other actions have been taken to protect the species. Extended periods of drought or changes in land use of these sites could lead to the extirpation of this species. Natural population fluctuations could also lead to the extinction of *Spiranthes parksii.*

Critical Habitat

Section 4(a)(1) of the Endangered Species Act of 1973, as amended, provides, in part:

"* * * At the time any such regulation (any proposal to determine a species to be an Endangered and Threatened species) is proposed, the Secretary shall also by regulation, to the maximum extent prudent, specify any habitat of such species which is then considered to be critical habitat."

Critical Habitat has not been proposed for *Spiranthes parksii* because it is threatened by taking, an activity not prohibited by the Endangered Species Act of 1973 with respect to plants. This orchid, one of the rarest in North America, could be sought as a curiosity by collectors were Critical Habitat maps published. Publishing these detailed location maps of the *Spiranthes parksii* populations in the Federal Register and local newspapers as is required by the Endangered Species Act would call attention to this species and make it more vulnerable to taking. Therefore it would not be prudent to designate Critical Habitat at this time. After protection plans have been developed for this plant, Critical Habitat may be beneficial and may be proposed in the future.

Effects of This Rule

In addition to the effects discussed above, the effects of this proposal if published as a final rule would include, but would not necessarily be limited to, those mentioned below.

The Act and implementing regulations published in the June 24, 1977, Federal Register (42 FR 32373) set forth a series of general prohibitions and exceptions which apply to all Endangered plant species. The regulations which pertain to Endangered plants are found at § 17.61 of 50 CFR and are summarized below.

With respect to *Spiranthes parksii* all prohibitions of Section 9(a)(2) of the Act, as implemented by § 17.61 would apply. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, or sell or offer for sale this species in interstate or foreign commerce. The Act and 50 CFR Section 17.61 provide for the issuance of permits to carry out otherwise prohibited activities involving Endangered species under certain circumstances. International and interstate commercial trade in *Spiranthes parksii* does not exist and few or no permits would probably be requested. Permits would be available for plants of cultivated origin.

Section 7(a) of the Act requires Federal agencies to evaluate their actions with respect to any species which is listed as Endangered or Threatened. This protection will now accrue to *Spiranthes parksii.* Provisions for Interagency Cooperation implementing Section 7 are codified at 50 CFR Part 402. These require Federal agencies not only to insure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of *Spiranthes parksii,* but also to insure their actions are not likely to result in the destruction or adverse modificaton of any Critical Habitat which may be determined at some future date by the Director.

The two known populations of *Spiranthes parksii* occur on privately owned lands. The Millican Reservoir project, which was authorized by Congress in 1968, is the only Federal involvement known for the area. The U.S. Army Corps of Engineers' biological assessment of proposed sites showed the closest population of *Spiranthes parksii* to be over a mile from the project area. No Section 7 conflicts are expected.

National Environmental Policy Act

An environmental assessment has been prepared in conjunction with this rule. It is on file in the Service's Office of Endangered Species, 1000 North Glebe Road, Arlington, Virginia, and may be examined during regular business hours, by appointment. This assessment forms the basis for a decision that this is not a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

Author

This proposal is being published under the authority contained in the Endangered Species Act of 1973, as amended (16 U.S.C. 1531–1543; 87 Stat. 884). The primary author of this rule is Ms. Rosemary Carey, Region 2, Office of Endangered Species, Albuquerque, New Mexico 87103 (703/766–3972).

Literature Cited

Catling, P. M. and K. L. McIntosh. 1979. Rediscovery of *Spiranthes parksii* Correll. Sida 8(2): 188–193.

Mahler, Wm. F. 1980. Determination of *Spiranthes parksii* Correll as an Endangered Species. Prepared for the U.S. Fish and Wildlife Service.

Texas Almanac, 1980–81. 50th ed. Published by Dallas Morning News, Dallas, Texas.

List of Subjects in 50 CFR Part 17

Fish, Marine mammals, Endangered and threatened wildlife, Plants (agriculture).

Regulation Promulgation

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Accordingly Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations is amended, as set forth below.

1. Amend § 17.12 by adding, in alphabetical order the following to the list of plants:

§ 17.12 Endangered and threatened plants.

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Orchidaceae—*Spiranthes parksii*	Orchid family—Navasota ladies'-tresses.	USA (Texas)...	E		NA	NA.

Dated: April 9, 1982.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 82-12337 Filed 5-5-82; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

Federal Register
Vol. 47, No. 88
Thursday, May 6, 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Licensee Event Report System

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is considering amending its regulations to require the reporting of operational experience at nuclear power plants by establishing the Licensee Event Report (LER) system. The proposed rule would codify existing LER reporting requirements and establish a single set of requirements that would apply to all operating nuclear power plants. The proposed rule would apply only to licensees of commercial nuclear power plants, and not to licensees of research reactors, fuel processing facilities, or byproduct processing or utilization facilities.

DATE: The comment period expires July 6, 1982. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments filed on or before this date.

ADDRESSEES: All interested persons who desire to submit written comments or suggestions in connection with this proposed rule should send them to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of all documents received may be examined and copied in the Commission's Public Document Room at 1717 H Street, NW, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Frederick J. Hebdon, Office for Analysis and Evaluation of Operational Date, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555; telephone (301) 492-4489.

SUPPLEMENTARY INFORMATION:

Background

The present Nuclear Plant Reliability Data (NPRD) System is a voluntary program for the reporting of reliability data. On January 30, 1980 (45 FR 6793),[1] the NRC published an Advance Notice of Proposed Rulemaking (ANPRM) that described the NPRD System and invited public comments on an NRC plan to make it mandatory. Forty-four letters [1] were received in response to the ANPRM. These comments generally opposed making NPRDS mandatory on the grounds that a system for reporting reliability data should not be made a regulatory requirement.

In December 1980, the Commission decided that the reporting of operational experience date needed major revision and approved the development of an Integrated Operational Experience Reporting (IOER) System. The IOER System would have combined, modified, and made mandatory the existing Licensee Event Report (LER) system and the NPRD System. SECY 80-507 [1] discusses the IOER System.

As a result of the Commission's approval of the concept of an IOER System, the NRC published another ANPRM on January 15, 1981 (46 FR 3541). This ANPRM explained why the NRC needed operational experience data, and described the deficiencies in the existing LER and NPRD systems.

On June 8, 1981, the Institute of Nuclear Power Operations (INPO) decided that, because of its role as an active user of NPRDS data, INPO would assume responsibiity for management and funding of NPRDS. Further, INPO decided to develop criteria that would be used in its management audits of member utilities to assess the adequacy of NPRDS participation.

The two principal deficiencies that had previously made NPRDS an inadequate source of reliability data were the inability of a committee management structure to provide the necessary technical direction and a low level of participation by the utilities.

The commitments and actions by INPO provide a basis for confidence that these two defficiencies will be corrected. For example, centralizing the management and funding of NPRDS within INPO should overcome the previous difficulties associated with management by a committee and funding from several independent organizations. Further, with INPO focusing upon a utility's participation in NPRDS as a specific evaluation parameter during routine management and plant audit activities, the level of utility participation, and therefore, the quality and quantity of NPRDS data, should significantly increase. Finally, the Commission will continue to have an active role in the development of an effective NPRDS by participating in an NPRDS Technical Advisory Committee, by periodically assessing the quality and quantity of information produced by NPRDS, and by assuring the timely availability of the information to the NRC.

The troubled history of the NPRDS, however, makes the Commission cautious. Problems will not be resolved simply by having INPO take over direction of the NPRDS. Nevertheless, INPO and the NRC are well aware of the problems and are prepared to work together in a cooperative effort to assure successful redirection of NPRDS. If in the future, though, if becomes clear that the essential NRC needs for reliability data are not forthcoming from NPRDS, the Commission could consider resumption of the IOERS rulemaking and make mandatory the reporting of reliability data.

Therefore, since there is a likelihood that, in the future, NPRDS under INPO direction can meet the NRC's need for reliability data, there is no longer a need at this time to proceed with the IOERS. Hence, the collection of detailed technical descriptions of significant events can proceed as a separate rulemaking to modify and codify the existing LER reporting requirements and to assure consistency with 10 CFR 50.72, covering the immediate notification of significant events.

Consequently, the Commission has directed the NRC staff to:

(1) Defer rulemaking that would establish the Integrated Operational Experience Reporting System (IOERS);

(2) Develop a proposed rule that would modify and codify the existing Licensee Event Report (LER) reporting requirements and would assure consistency with 10 CFR 50.72 which covers the immediate reporting of significant events;

(3) Prepare this proposed LER rule;

[1] Copies of these documents are available for public inspection and copying at the Public Document Room at 1717 H Street, NW, Washington, D.C. 20555.

(4) Endorse the Institute of Nuclear Power Operations (INPO) plan to assume responsibility for the management, funding, and technical direction of the Nuclear Plant Reliability Data System (NPRDS);

(5) Coordinate closely with INPO to minimize duplication between the LER and the NPRDS systems and between subsequent NRC and INPO analysis of NPRDS data;

(6) Encourage INPO to assure that the NPRDS receives, processes, and disseminates the reliability data needed by industry and the NRC to support probabilistic risk and reliability assessment programs; and

(7) Closely monitor the process of INPO's management of the NPRDS and after INPO takes over the system, provide the Commission with semiannual status reports on the effectiveness of INPO management of NPRDS and the responsiveness of NPRDS to NRC needs.

See SECY 81-494 [2] for additional details.

On October 6, 1981, the NRC published an ANPRM (46 FR 49134) that deferred the IOER system and sought public comment on the scope and content of the LER system. Six comment letters were received in response to this ANPRM.

One letter strongly opposed the NRC's plan to defer the IOERS rulemaking. However, this opposition appears to be due, in part, to a misconception that the NRC had proposed to turn over the INPO responsibility for the management and technical direction of both the NPRD system and the LER system. The writer also appears to have erroneously assumed that the NRC would not longer analyze or evaluate data from either the LER system or the NPRD System.

Two letters forwarded copies of papers or reports that discussed the collection, analysis, and evaluation of LER data. One report, prepared in November 1979 by EG&G in Idaho Falls, had already been reviewed by the staff. The other report was prepared in December 1979 and described potential industry uses of the LERs, including very general recommendations for improving the LERs.

The remaining three letters, which were from utilities, endorsed the NRC decision to defer the IOERS rulemaking. Each letter encouraged the NRC to reduce the overall level of LER reporting by limiting the LER scope to only those occurrences that are of major safety significance. The letters did not specify what constituted an event of major safety significance. One of the letters also encouraged the NRC to eliminate the duplication between the LER system and the NPRD system, and between the LER system and other NRC reporting requirements (e.g., 10 CFR 50.72).

All of the comments received were reviewed by the staff and were considered in the development of the proposed LER rule.

Overview of the LER System

If the proposed LER rule becomes effective, the LER will be a detailed narrative description of safety significant events. By describing in detail the event and the planned corrective action, it will provide the basis for the careful study of more serious events that might be precursors to serious accidents. If the NRC staff decides that the event was especially significant from the standpoint of safety, the staff may request that the licensee perform an engineering evaluation of the event and describe the results of that evaluation.

The licensee will prepare an LER for those events or conditions that meet one or more of the criteria contained in § 50.73(a). The criteria are based primarily on the nature, course, and consequences of the event. Therefore, events that meet the criteria should be reported regardless of the plant operating mode or power level, and regardless of the significance of the components, systems or structures involved. In trying to develop criteria for the identification of events reportable as LERs, the Commission has concentrated on the consequences of the event as the measure of significance. Therefore, the reporting criteria in general do not specifically address classes of initiating events or causes of the event. For example, there is no requirement that all operator errors be reported. However, many reportable events will have been initiated by operator errors.

The proposed rule as presently written requires that the holder of an operating license for a nuclear power plant shall submit an LER within 30 days after the discovery of a reportable event. The NRC has not yet determined the appropriate time. The alternatives under consideration are either 15 or 30 days. If the time for submitting a written report was extended to 30 days then a summary report transmitted by telegraph or facsimile within a few days of the event may be required. Such a report would contain a brief description of the event, the licensee's basis for continued operation or return to operation, and comments on the generic applicability of the event. The NRC's concern with simply extending the time for submission of a written report is the potential for, or the appearance of, a transfer of responsibility for evaluation of the event to the Resident Inspector. The basis for this transfer would be the written inspection report of the event by the inspector which in many cases would be written well in advance of any public record of the event by the licensee. The NRC considers prompt evaluation of an event and reporting of the results of the evaluation important in order to provide assurance for continued safe operation of the plant after an event. The decision for selecting the reporting time and mechanism will be based on an evaluation of the alternatives. The NRC specifically requests public comment on the above reporting alternatives.

It should be noted that § 50.72, "Notification of Significant Events," establishes the requirements for the immediate reporting (i.e., by telephone) of significant events. Many of the criteria contained in § 50.73 are similar to the criteria in § 50.72. However, because of the different purposes served by the two systems, and since § 50.72 is already in use, the Commission has kept § 50.72 and § 50.73 as separate requirements. The Commission plans to continue to work to ensure consistency between the two rules and to provide a clear identification of differences between telephone and written reporting requirements. These efforts may result in combining the existing §50.72 and the proposed § 50.73 into a single final rule. A combined rule could have three elements: (1) One element devoted to prompt notifications which do not require a written report; (2) a second element requiring prompt notifications which also require a written report; and (3) a third element encompassing events which do not require a prompt notification but for which a written report is required. An Alternative would be to process another revision to § 50.72 and the final § 50.73 in a combined package which cross references the requirements in the two rules. These changes would be largely administrative, and the revised § 50.72 would not be significantly modified nor would it be published again for public comment.

In endorsing the proposed rule, the Commission has noted that the ACRS said:

"We believe the Proposed Rule represents a natural evolution in the state-of-the-art in data gathering, and we support its publication for comment. Although subsequent experience will undoubtedly

[2] Copies of these documents are available for public inspection and copying at the Public Document Room at 1717 H Street, NW., Washington, D.C. 20555.

reveal ways in which the Proposed Rule should be revised, and even perhaps replaced, we do not believe its publication should be delayed until a more advanced system is developed. Ultimate goals for such a system include better reporting, analysis, and evaluation of human errors and computer software errors and perhaps the development of a system for more effectively identifying precursors and systems interactions."

The Commission supports the proposed rule and and anticipates substantial improvements from it. The Commission recognizes that the LER system needs revision to make reporting more consistent among licensees, to stop the reporting of unimportant events, and to provide better data on significant events. The Commission agrees with the ACRS comments that this Proposed Rule is a natural evolution in the state-of-the-art in operational experience data gathering.

Comments are solicited at this time, for Commission consideration prior to issuance of the final rule, on the feasibility and desirability of improving the overall design of the data reporting system, the characteristics of such an improved system, the time and resources required to develop it, and the utility of doing so. A more serviceable data system would have at least two dimensions, one which can be used to support case studies of specific events and a second which will support multivariate, multi-case analyses.

Specifically, the Commission is interested in receiving comments on a more diversified system that would make the LER even a more useful tool for the analysis of operational experience. Of particular interest would be potential improvement to aid in the analysis of trends and patterns that may identify precursors of major incidents. For example, the Commission believes that a more diversified operational data gathering system might involve reporting data recorded directly from the event rather than relying on a narrative description of the event. With increased emphasis on techniques of reporting and storage of event data, the technical record associated with the event would be enhanced with a corresponding potential for increasing the effectiveness of the use of statistical techniques to identify trends and patterns of operational experience. Such a data system would permit the use of more sophisticated statistical procedures to identify signals that may be present only in the aggregate and are essential to the understanding of accident precursor conditions.

Paragraph-by-Paragraph Explanation of the LER Rule

The more important parts of the proposed rule are explained below.

Section 50.73(a)(1) requires reporting of:

"Any event resulting in manual or automatic actuation or the need for actuation of any Engineered Safety Feature (ESF), including the Reactor Protection System (RPS). Actuation of an ESF, including the RPS, that results from and is part of the preplanned sequence during surveillance testing or normal reactor shutdown need not be reported."

This paragraph is intended to capture events during which an ESF actuates or fails to actuate. It is based on the premise that the ESFs are provided to mitigate the consequences of an accident and, therefore, (1) they should work properly when called upon, and (2) they should not be challenged unnecessarily. The staff is interested both in events where an ESF was needed to mitigate the consequences of an event (whether or not the equipment performed properly), and events where an ESF operated unnecessarily.

Operation of an ESF as part of a planned test or operational evolution need not be reported. However, if during the test or evolution the ESF actuates in a way that is not part of the planned procedure, that actuation should be reported. For example, if the normal reactor shutdown procedure requires that the control rods be inserted by a manual reactor trip, the reactor trip need not be reported. However, if conditions develop during the shutdown that require an automatic reactor trip, the reactor trip should be reported. The fact that the safety analysis assumes that an ESF will actuate automatically during an event does not eliminate the need to report that actuation. Actuations that need not be reported are those initiated for reasons other than to mitigate the consequences of an event (e.g., at the discretion of the plant operators, as part of a planned procedure).

Section 50.73(a)(2) requires reporting of:

"Any instance of personnel error, equipment failure, procedure violation or discovery of design, analysis, fabrication, construction, or procedural inadequancies that alone could prevent the fulfillment of the safety function of structures or systems that are needed to—

(i) Shut down the reactor and maintain it in a safe shutdown condition;

(ii) Remove residual heat;

(iii) Control the release of radioactive material."

This paragraph is also based on the assumption that safety-related systems and structures are intended to mitigate the consequences of an accident. While § 50.73(a)(1) applies to actual demands for actuation of an ESF, § 50.73(a)(2) covers an event where a safety system would have failed to perform its intended function because of one or more personnel errors; equipment failures; procedure violations; or design, analysis, fabrication, construction, or procedural deficiencies. The event should be reported regardless of the situation, or condition that caused the structure or system to be unavailable. This paragraph does not include those cases where a system or component is remobed from service as part of a planned evolution, in accordance with an approved procedure, and in accordance with the plant's Technical Specifications. For example, if the licensee removes part of a system from service to perform maintenance, and the Technical Specifications permit the resulting configuration, and the system is returned to service within the time limit specified in the Technical Specifications, the action need not be reported under this criterion. If, however, the licensee takes a component out of service or returns a component to service in a manner resulting in a configuration at the system level that is not permitted by the plant's Technical Specifications, the event should be reported. In addition, if, while the component is out of service, the licensee identifies a condition that could have prevented the system from performing its intended function (e.g., the licensee finds a set of relays that is wired incorrectly), that condition should be reported.

The licensee may use engineering judgment to decide if a failure or operator action that disabled one train of a safety system and might have, but did not, affect the redundant division, constitutes an event that "could prevent" the fulfillment of a safety function. If a component fails by an apparently random mechanism it may not be reportable even if the functionally redundant component could fail by the same mechanism. To be reportable, the failure must indicate a condition where there is a reasonable doubt that the functionally redundant division would remain operational until it completes its safety function. For example, if a pump fails because of improper lubrication, and engineering judgment indicates that there is a reasonable expectation that the functionally redundant pump would have also failed before it completed its safety function, then the failure is reportable.

Section 50.73(a)(3) requires reporting of:

"Any event caused by a failure, fault, condition, or action that demonstrates a nonconservative interdependance associated with essential structures, components, or systems. Essential structures, components, and systems are those needed to—

(i) Shut down the reactor and maintain it in a safe shutdown condition;

(ii) Remove residual heat;

(iii) Control the release of radioactive material."

The intent of this paragraph is to identify those events where a single failure or group of failures affect redundant or independent portions of safety-related systems. These events can identify previously unrecognized common cause failures and systems interactions. To be reportable, the event must have had the potential to result in the inability of more than one train or channel of the affected system to perform its intended function.

A nonconservative interdependence is one that produces a negative (i.e., nonconservative) synergism which causes a reduction in the ability of a system to perform its intended safety function or causes a system to perform an action which negatively affects the public health and safety.

In addition, the Commission is increasingly concerned about the effect of a loss or degradation of what had been previously assumed to be non-essential inputs to safety systems. Therefore, this paragraph also includes those cases where a service or input which is necessary for the reliable or long term operation of a safety system is lost or degraded. Loss or degradation of these services or inputs are not reportable if they do not degrade the operation of the safety system. The failure need not be reported if it affects only inputs to systems that are not needed for safety.

This paragraph also includes discovery of nonconservative interdependence in which the initiating event is causally linked to the failure of one division (e.g., train) of a safety system required to mitigate that initiating event. It is just as serious for a common cause failure to precipitate a demand for a safety system and fail one of its divisions as it is to fail the redundant divisions but not trigger the initiating event. If an unacceptable event is modeled as (1) an initiating event, (2) a failure of challenged safety division A, and (3) a failure of challenged safety division B, then any two of the three constituent events occurring or potentially occurring due to a common interdependence, and are reportable.

Finally, the licensee may use engineering judgment to decide when an operator's action constitutes a nonconservative interdependence. Any time an operator operates a component, he could conceivably operate all the functionally redundant components (i.e., he *could* create an undesirable interdependence). However, for an event to be reportable the operator must actually operate or attempt to operate components in more than one division of a safety system, and the result of the action must be undesirable from the perspective of protecting the health and safety of the public. The components can be functionally redundant (e.g., two pumps in different trains) or not functionally redundant (e.g., the operator correctly stops a pump in Train "A" and, instead of shutting the pump discharge valve in Train "A," he mistakenly shuts the pump discharge valve in Train "B").

Section 50.73(a)(4) requires reporting of:

"Any event for which plant Technical Specifications require shutdown of the nuclear power plant or for which a plant Technical Specification Action Statement is not met."

This paragraph is similar to § 50.73(a)(1). However, in this paragraph the shutdown is a manual shutdown required by the Technical Specifications, rather than an automatic reactor trip. The intent is to capture those events where the licensee is required to shut down the plant because it cannot meet the requirements of the Technical Specifications. For the purpose of this paragraph, "shutdown" is defined as the point in time where the Technical Specifications require that the plant be in hot shutdown (note: "hot shutdown" as defined in the Standard Technical Specifications). If the condition is corrected before the time limit for reaching hot shutdown, the event need not be reported.

It should be recognized, however, that the paragraph covers, "(a)ny event for which plant Technical Specifications *require* shutdown * * *" (emphasis added). Therefore, this paragraph includes events where the licensee should have shut down the reactor because of a condition that violated the Technical Specifications, and either—

(a) did not recognize until later review that the situation violated the Technical Specifications and, therefore, did not shut down; or

(b) did not recognize until later review that the condition existed an, therefore, did not shut down.

Thus, operation of the plant with a condition that is prohibited by the Technical Specifications should be reported. In addition, if a condition that would have required a plant shutdown exists for a period of time longer than that permitted by the Technical Specifications, it should be reported even if the condition was not discovered until after the allowable time had elapsed and the condition was rectified immediately after discovery.

Finally, the licensee must report events where an Action Statement contained in a Limiting Condition for Operation is not met. For an Action Statement that gives the licensee alternatives (e.g., repair a specific component or achieve hot shutdown within 12 hours), the Action Statement is met if either alternative is met (e.g., the component is repaired or the plant is in hot shutdown within 12 hours). Failure to comply with a Surveillance Requirement need not be reported as an LER, but should be tabulated in the Monthly Operating Report.

Section 50.73(a)(5) requires reporting of:

"Any event that results in the nuclear power plant not being in a controlled condition or that results in an unanalyzed condition that significantly compromises plant safety."

The intent of this paragraph is to capture those events where the plant was in an uncontrolled or unanalyzed condition. For example, small voids in systems designed to remove heat from the reactor core which have been previously shown through analysis not to be safety significant need not be reported. However, the accumulation of voids that could inhibit the ability to adequately remove heat from the reactor core, particularly under natural circulation conditions, would constitute an uncontrolled condition and would be reportable. In addition, voiding in instrument lines that results in an erroneous indication causing the operator to misunderstand the true condition of the plant is also an uncontrolled condition and should be reported.

The Commission recognizes that the licensee may use engineering judgment and experience to determine whether an uncontrolled or unanalyzed condition existed. It is not intended that this paragraph apply to minor variations in individual parameters, or to problems concerning single pieces of equipment. At any time, one or more safety-related components is likely to be out of service due to testing, maintenance, or a not-yet-rectified fault. Any trivial single failure or minor error in performing surveillance tests could produce a

situation in which two or more often unrelated, safety-related components are formally out-of-service. Technically, this is an unanalyzed condition. However, these events should be reported only if they involve functionally related components or if they reflect significantly compromised plant safety.

Finally, this paragraph also includes material (e.g., metallurgical, chemical) problems that cause abnormal degradation of fuel cladding, Reactor Coolant System pressure boundary, or the containment.

Section 50.73(a)(6) requires reporting of:

"Any act of nature, event, or act by personnel, that explicitly threatens the safety of the nuclear power plant or site personnel in the performance of duties necessary for the safe operation of the plant or the security of special nuclear material, including instances of sabotage or attempted sabotage. Threats of violence that are not substantiated by the licensee need not be reported."

This paragraph is intended to capture those events where there is a clear threat to the plant from an act, condition, or natural phenomenon, and where the threat or damage challenges the ability of the plant to continue to operate in a safe manner (including the orderly shutdown and maintenance of shutdown conditions). The licensee should decide if a phenomenon actually threatened the plant. For example, a minor brush fire in a remote area of the site that was quickly controlled by fire fighting personnel and, as a result, did not present a threat to the plant should not be reported. However, a major forest fire, large-scale flood, or major earthquake that presents a clear threat to the plant should be reported.

This paragraph is also intended to capture acts by site personnel and acts by personnel offsite that threatened or have actually damaged the plant. The licensee must decide if the act actually threatened the plant. For example, threats of violence that are not substantiated by the licensee need not be reported (e.g., bomb threats need not be reported if the licensee does not find evidence that an attempt was made to actually plant a bomb).

Section 50.73(a)(7) requires reporting of:

"Any radioactive release that requires the evacuation of a room or building."

In-plant releases should be reported if they require evacuation of rooms or buildings containing systems important to safety, or rooms or buildings which may require access for any test, maintenance, or conduct of emergency procedures. Precautionary evacuations of rooms and buildings that subsequent evaluation determines were not required need not be reported.

Section 50.73(a)(8) requires reporting of:

"Any radioactive effluent release where—

"(i) The quantity of radioactive materials in liquid or gaseous effluents released from the site exceeds the limits specified in the Technical Specifications.

"(ii) The quantity of radioactaive materials contained in a liquid or gas storage tank exceeds the limits specified in the Technical Specifications.

"(iii) With respect to boiling water reactors only, the quantity of radioactive materials in gaseous waste transferred from the primary coolant system to the gaseous radwaste management system exceeds the limits specified in the Technical Specifications."

This paragraph is intended to capture an event that causes the controlled release of a significant amount of radioactive material to offsite areas. "Significant" is based on the plant's Technical Specification limits for the release of radioactive material.

Section 50.73(a)(8)(iii) refers only to the Technical Specification limit that applies directly to the quantity of radioactive material in the gaseous radwaste management system. It is intended to capture those events where the quantity of radioactive material from the reactor coolant system approaches the design basis capacity of the gaseous radwaste management system. These events are frequently indicative of significant fuel cladding failures.

Section 50.73(a)(9) requires reporting of:

"Any event for which the quantity of radioactive materials released during an unplanned offsite release is more than 1 curie of radioactive material in liquid effluents, more than 150 curies of noble gas in gaseous effluents, or more than 0.05 curies of radioiodine in gaseous effluents."

This paragraph is intended to capture those events that cause an unplanned or uncontrolled release of a significant amount of radioactive material to offsite areas.

Section 50.73(b) describes the format and content of the LER. It requires that the licensee prepare the LER in sufficient depth so that knowledgeable readers conversant with the design of commercial nuclear power plants, but not familiar with the details of a particular plant, can understnd the complete event (i.e., the cause of the event, the plant status before the event, and the sequence of occurrences during the event).

Section 50.74 (b)(1) requires that the licensee provide a brief abstract describing the major occurrences during the event, including all actual component or system failures that contributed to the event, all relevant operator errors or violations of procedures, and any significant corrective action taken or planned as a result of the event. This paragraph is intended to give LER data base users a brief description of the event so they can find events of interest.

Section 50.73(b)(2) requires that the licensee include in the LER a clear, specific narrative statement of exactly what happened during the entire event so that readers not familiar with the details of a particular plant can understand the event. The licensee should emphasize how the plant resonded, and how systems, components, and operating personnel performed. Specific hardware problems should not be covered in excessive detail. Characteristics of a plant that are unique and that influenced the event (favorably or unfavorably) should be described. The licensee should also describe the event from the perspective of the operator (e.g., what the operator saw, did, perceived, understood, or misunderstood).

Section 50.73(b)(3) requires that the LER include an assessment of the actual and potential safety consequences and implications of the event. This assessment requires judgment on the part of the licensee. The intent is to require an assesment of whether the incident would have been more severe under reasonable and credible alternative conditions, such as power level or operating mode. For example, if an event occurred while the plant was at 15% power and the same event could have occurred while the plant was at 100% power, and, as a result, the consequences would have been considerably more serious, the licensee should assess those consequences.

Section 50.73(b)(4) requires that the licensee describe in the LER any corrective actions planned as a result of the event that is known at the time the LER is submitted, including actions to reduce the probability of similar events occurring in the future. This is not to say that for every event that occurs there must be 100% assurance that the event will never occur again. Many events are postulated to occur with some frequency throughout the life of the plant. However, if an event occurs that requires corrective actions, the corrective actions should be described. After the initial LER is submitted, only substantial corrective action need be reported as a supplemental LER.

Section 50.73(c) authorizes the NRC staff to require the licensee to submit specific supplemental information and

assessments beyond that required by § 50.73(b). Such information may be required if the staff finds that supplemental material is necessary for complete understanding of an unusually complex or significant event. When a request for supplemental information is made in writing, the licensee should submit the requested information and assessment as a supplement to the initial LER within the time period specified by the staff. Usually a written report will not be required in less than 15 days from the date of receipt by the licensee of the letter requesting the information.

Section 50.73(f) gives the NRC Executive Director for Operations the authority to grant case-by-case exemptions to the reporting requirements contained in the LER system. This exemption could be used to limit the collection of certain data in those cases where full participation would be unduly difficult because of a plant's unique circumstances.

Section 50.73(g) states that the reporting requirements contained in § 50.73 replace the reporting requirements in all nuclear power plant Technical Specifications that are associated with "Reportable Occurrences." The reporting requirements superseded by § 50.73 are those contained in the Technical Specification sections that are usually titled "Prompt Notification with Written Followup" and "Thirty Day Written Reports". The reporting requirements that have been superseded are also described in Regulatory Guide 1.16, Revision 4, "Reporting of Operating Information—Appendix A Technical Specification", Paragraph 2, "Reportable Occurrences."

Paperwork Reduction Act Statement

As required by the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511), the NRC has made a preliminary determination that these proposed regulations do not impose an additional reporting, recordkeeping, or information collection burden. These proposed regulations will nevertheless be submitted to the Office of Management and Budget for its consideration of the reporting, recordkeeping, or information collection requirements.

Regulatory Flexibility Certification

In accordance with the Regulatry Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that these proposed regulations will not, if promulgated, have a significant economic impact on a substantial number of small entities. These proposed regulations affect electric utilities that are dominant in their respective service areas and that own and operate nuclear utilization facilities licensed under sections 103 and 104b of the Atomic Energy Act of 1954, as amended. The amendments clarify and modify presently existing notification requirements. Accordingly, there is no new, significant economic impact on these licensees, nor are the licensees within the definition of small businesses set forth in section 3 of the Small Business Act, 15 U.S.C. 632, or within the Small Business Size Standards set forth in 10 CFR Part 121.

List of Subjects in 10 CFR Part 50

Antitrust, Classified information, Fire prevention, Intergovernmental relations, Nuclear power plants and reactors, Penalty, Radiation protection, Reactor siting criteria, Reporting requirements.

For the reasons set out in the preamble and pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of Title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 50 is contemplated.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

The authority citation for Part 50 continues to read as follows:

Authority: Secs. 103, 104, 161, 182, 183, 189, 68 Stat. 936, 937, 948, 953, 954, 955, 956, as amended (42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2239); secs. 201, 202, 206, 88 Stat. 1243, 1244, 1246 (42 U.S.C. 5841, 5842, 5846), unless otherwise noted.

Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80–50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Sections 50.100–50.102 issued under sec. 186, 68 Stat. 955 (42 U.S.C. 2236).

For the purposes of sec. 223, 68 Stat 958, as amended (42 U.S.C. 2273), §§ 50.10(a), (b), and (c) 50.44, 50.46, 50.48, 50.54, and 50.80(a) are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 50.10(b) and (c) and 50.54 are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2202(i)); and §§ 50.55(e), 50.59(b), 50.70, 50.71, 50.72, and 50.78 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. A new § 50.73 is added to read as follows:

§ 50.73 Licensee Event Report System.

(a) *Reportable events.* The holder of an operating license for a nuclear power plant (licensee) shall submit a Licensee Event Report (LER) for any event of the type described in this paragraph within 30 days (Related to this requirement, the Commission is considering alternatives for the timing of these reports. These alternatives are discussed in the Statement of Consideration under (OVERVIEW OF LER SYSTEM) after the discovery of the event. The licensee shall report an event regardless of the plant mode or power level and regardless of the significance of the structure, system, or component that initiated the event. The licensee shall report—

(1) Any event resulting in manual or automatic actuation or the need for actuation of any Engineered Safety Feature (ESF), including the Reactor Protection System (RPS). Actuation of an ESF, including the RPS, that results from and is part of the preplanned sequence during surveillance testing or normal reactor shutdown need not be reported.

(2) Any instance of personnel error, equipment failure, procedure violation, or discovery of design, analysis, fabrication, construction, or procedural inadequacies that alone could prevent the fulfillment of the safety function of structures or systems that are needed to—

(i) Shut down the reactor and maintain it in a safe shutdown condition;

(ii) Remove residual heat;

(iii) Control the release of radioactive material.

(3) Any event caused by a failure, fault, condition, or action that demonstrates a nonconservative interdependence associated with essential structures, components, and systems. Essential structures, components, and systems are those needed to—

(i) Shut down the reactor and maintain it in a safe shutdown condition;

(ii) Remove residual heat;

(iii) Control the release of readioactive material.

(4) Any event for which plant Technical Specifications require shutdown of the nuclear power plant or for which a plant Technical Specification Action Statement is not met.

(5) Any event that results in the nuclear power plant not being in a controlled condition or that results in an unanalyzed condition that significantly compromises plant safety.

(6) Any act of nature, event, or act by personnel, that explicitly threatens the safety of the nuclear power plant or site personnel in the performance of duties necessary for the safe operation of the plant, or the security of special nuclear material, including instances of

sabotage or attempted sabotage. Threats of violence that are not substantiated by the licensee need not be reported.

(7) Any radioactive release that requires the evacuation of a room or building.

(8) Any radioactive effluent release where—

(i) The quantity of radioactive materials in liquid or gaseous effluents released from the site exceeds the limits specified in the Technical Specifications.

(ii) The quantity of radioactive material contained in a liquid or gas storage tank exceeds the limits specified in the Technical Specifications.

(iii) With respect to boiling water reactors only, the quantity of radioactive materials in gaseous waste transferred from the primary coolant system to the gaseous radwaste management system exceeds the limits specified in the Technical Specifications.

(9) Any event for which the quantity of radioactive materials released during an unplanned offsite release is more than 1 curie of radioactive material in liquid effluents, more than 150 curies of noble gas in gaseous effluents, or more than 0.05 curies of radioiodine in gaseous effluents.

(b) *Contents.* The Licensee Event Report must contain:

(1) A brief abstract describing the major occurrences during the event, including all component or system failures that contributed to the event and any significant corrective action taken or planned to prevent recurrence.

(2) A clear, specific, narrative description of what occurred so that knowledgeable readers conversant with the design of commercial nuclear power plants but not familiar with the details of a particular plant can understand the complete event. The narrative description shall include the following specific information:

(i) Plant operating conditions before the event.

(ii) Status of failed structures, components, or systems before the event.

(iii) Dates and approximate times of occurrences.

(iv) The failure mode, mechanism, and effect of each failed component.

(v) The Energy Industry Identification System component function identifier and system name of each component or system referred to in the LER. The Energy Industry Identification System is defined in:

(A) IEEE Std P803/P803A Recommended Practices for Unique Identification Plants and Related Facilities—Principles and Definitions.

(B) IEEE Std P805 Recommended Practice for System Classification in Nuclear Power Plants and Related Facilities.

(C) These publications have been approved for incorporation by reference by the Director of the Federal Register. A notice of any changes made to the material incorporated by reference will be published in the Federal Register. Copies may be obtained from the Institute of Electrical and Electronics Engineers, United Engineering Center, 345 East 47th Street, New York, N.Y. 10017. A copy is available for inspection at the Commission's Public Document Room, 1717 H Street NW, Washington, D.C. and at the Office of the Federal Register's information center.

(vi) The function of the component or system in which the failure occurred. For failures of components with multiple functions, the licensee shall include a list of systems or secondary functions that were also affected.

(vii) For each failed component, the number of functionally redundant components installed in the plant, including the degree of diversity and their availability during the event.

(viii) Operator actions that affected the course of the event, including operator errors, procedural deficiencies or both, that contributed to the event.

(ix) Automatically and manually initiated safety system responses.

(x) The manufacturer and model number (or other identification) of each component that failed during the event.

(xi) The number and types of workers exposed and the dose received by each worker as a direct result of a reportable event that results in a total occupational exposure that exceed five manrem. The licensee need not include exposures incurred in corrective action and clean up.

(3) An assessment of the safety consequences and implications of the event.

(4) A description of any corrective actions planned as a result of the event, including those to reduce the probability of similar events occurring in the future.

(5) The name and telephone number of a person within the licensee's organization who is knowledgeable about the event and can provide additional information concerning the event and the plant's characteristics.

(c) *Supplemental information.* The NRC staff may require the licensee to submit specific additional information and assessments beyond that required by paragraph (b) of this section, if the staff finds that such supplemental material is necessary for complete understanding of an unusually complex or significant event. When a request for supplemental information is made in writing, the licensee shall submit the requested information and assessment as a supplement to the initial LER within the time period specified by the staff.

(d) *Submission of reports.* Licensee Event Reports must be prepared on form NRC–XXX and submitted within 30 days (Related to this requirement, the Commission is considering alternatives for the timing of these reports. These alternatives are discussed in the Statement of Consideration under OVERVIEW OF THE LER SYSTEM) after the discovery of the event covered in the report. The LER must be submitted to—

(1) The appropriate NRC Regional Administrator (formerly called the Director, NRC Regional Office) as shown in Appendix D to Part 20 of this Chapter; and

(2) The Director, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(e) *Report legibility.* The reports and copies must be of sufficient quality to permit legible reproduction and micrographic processing.

(f) *Exemptions.* Upon written request from a licensee, including adequate justification, or at the initiation of the NRC staff, the Executive Director for Operations may, by a letter to the licensee, grant exemptions to the reporting requirements under this section.

(g) *Reportable occurrences.* The requirements contained in this section replace all requirements to report "Reportable Occurrences" as defined in individual plant Technical Specifications.

Dated at Washington, D.C., this 30th day of April 1982.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 82-12299 Filed 5-5-82; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket Nos. 80-CE-21-AD, 80-CE-22-AD, and 80-CE-23-AD]

Airworthiness Directives; Gates Learjet Models 24D, 24E, 24F, 25B, 25C, 25D, 25F, 28, 29, 35, 35A, 36 and 36A Airplanes; Cessna Models 340, 340A, 414, 414A, 421B, 421C, 441, 500, 501, 550 and 551 Airplanes; Beech Models 58P, B60, 65-90, C90, 65-A90, B90, E90, F90, H90 (Military Model T-44A), A100, B100, 200, 200C, 200T, A100-1 (Military Model RU-21J), A200 (Military Model C-12A and C-12C), and A200C (Military Model UC-12B) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of Notice of Proposed Rulemaking (NPRM).

SUMMARY: This action withdraws the Notices of Proposed Rulemaking (NPRMs) relating to Docket No. 80-CE-21-AD (Gates Learjet Models set forth in the title above), Docket No. 80-CE-22-AD (Cessna Models set forth in the title above) and Docket No. 80-CE-23-AD (Beech Models set forth in the title above). The NPRMs proposed to adopt Airworthiness Directives (ADs) that would require initial and repetitive inspections of the cabin pressurization outflow and safety valves installed on these airplanes, and the replacement of those valves found defective. These ADs would further require that the valves in question be inspected/replaced before another pressurized flight, following any in-flight instance in which abnormal operation of the pressurization system is noted. A system functional check and report to the FAA would also be required following reinstallation of these valves. Subsequent to the issuance of these notices, additional information has been acquired which indicates the proposed actions are no longer necessary. Accordingly, the NPRMs are hereby withdrawn.

DATES: Not applicable.

FOR FURTHER INFORMATION CONTACT: Ed Mosman, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, Room 238, Terminal Building No. 2299, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 269-7008.

SUPPLEMENTARY INFORMATION: Three NPRMs applicable to the Gates Learjet, Cessna and Beech Models airplanes listed in the heading of this document were published in the **Federal Register** on Thursday, July 31, 1980. The Notices were issued because there were reports of failed cabin pressurization outflow and safety valves installed on these airplanes. The NPRMs proposed to adopt ADs that would require initial and repetitive inspections of these valves, and their replacement if found defective. These Ads would further require that the valves be inspected/replaced before another pressurized flight, following any in-flight instance in which abnormal operation of the pressurization system is noted. A system functional check and report to the FAA would also be required following reinstallation of these valves.

Interested persons were afforded an opportunity to comment on the proposed ADs.

After issuance of these Notices, the FAA received requests from the manufacturer of the valves and one of the airplane manufacturers who would be affected by the Rulemaking, if adopted, stating that more time was needed to effectively study and evaluate the failure data to obtain the information necessary to develop their comments. The FAA reviewed these requests and determined that extending the comment period would afford the requestors as well as other interested persons additional time to furnish comments that should be considered in determining whether final rulemaking is appropriate and, if so, the opportunity to participate in the development of these final rules. Accordingly, the comment period for Docket Nos. 80-CE-21-AD, 80-CE-22-AD and 80-CE-23-AD was extended from September 4, 1980, to October 18, 1980.

Comments received from interested parties indicated opposition to proceeding with the adoption of the proposals. Three commentors questioned the rationale and facts used by the FAA in reaching the conclusion that failure of the valves was associated with loss of windshield incidents reported on two Cessna Model 421 airplanes. The FAA reviewed its previous analysis, including the facts used and new information and agrees that in one incident both the outflow and safety valves were functioning normally and could not have contributed to the occurrence. In the other incident, only the outflow valve was inoperative but the safety valve functioned properly subsequent to the event. Except for a question raised concerning nicotine induced sticking of the operating valve at the time of the incident, the FAA concludes that a positive relationship between the valve failure and windshield loss cannot be established. Accordingly, the FAA agrees with these commentors.

Some commentors also expressed the opinion that, in addition to warning devices on some airplanes, cabin pressurization irregularities would inform the crew of valve failures and that they could take action to control or prevent cabin overpressurization. Although the FAA does not accept that crew detection of valve failure and control of pressurization can be totally relied on to maintain an acceptable level of safety, it recognizes this factor along with others may establish a satisfactory level of safety.

Some commentors noted that service information issued by the affected manufacturers concurrent with, and subsequent to, the publication of the notices was more appropriate than the proposed AD actions and would have a very beneficial effect on the condition addressed by the notices. The FAA recognizes merit in these comments and believes that subsequent service experience on the valves generally corroborates the opinion expressed on this aspect of the problem.

In addition, the FAA has closely monitored the service reports on the valves subsequent to the issuance of the notices. The FAA records indicate that in the interim between their issuance and this date there has been an approximate 26 percent decrease in valve failure reports while the number of aircraft utilizing these valves has increased 39 percent. More important, no reports of a serious in-flight incident or unsafe condition due to failure of these valves have been received subsequent to the notice.

In view of the improvement in the service record on these valves and absence of serious unsafe conditons resulting from their failures since issuance of the notices, the FAA concludes that voluntary compliance with various manufacturers' service instructions is maintaining a satisfactory level of safety in the operation of airplanes utilizing these valves. Accordingly, since it has been established that the proposed actions are unnecessary, the NPRMs are being withdrawn. The withdrawal of the Notices does not preclude the FAA from issuing similar notices in the future, nor does it commit the FAA to any course of action.

List of Subjects in 14 CFR Part 39

Aviation safety.

The Withdrawal

For the reasons stated above, Notices of Proposed Rulemaking, Docket Nos. 80-CE-21-AD, 80-CE-22-AD and 80-CE-23-AD published in the **Federal Register** on July 31, 1980 (45 FR 50800-50809) are hereby withdrawn.

(Sec. 313(a), 601 and 603 Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); sec. 6(c) of the Department of

Transportation Act (49 U.S.C. 1655(c); and 14 CFR 11.85))

Note.—This withdrawal cancels three proposals which are no longer necessary in the interest of air safety. For this reason, and as discussed in the preample, the FAA has determined that it (1) involves withdrawal of proposed regulations which are not major rules under Executive Order 12291 and (2) are not significant rules pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is certified under the criteria of the Regulatory Flexibility Act that the proposed withdrawal will not have a significant economic impact on a substantial number of small entities. A regulatory evaluation has been prepared and has been placed in the public docket covering the three proposed rules.

Issued in Kansas City, Missouri, on April 23, 1982.

Murray E. Smith,

Director, Central Region.

[FR Doc. 82-12339 Filed 5-5-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-AGL-49]

Proposed Alteration of Transition Area; Fairfield, Ill.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of this Federal Action is to designate additional controlled airspace determined necessary to encompass a new instrument procedure and to return some designated airspace to a non-controlled status due to the cancellation of an instrument procedure. Both procedures involve Fairfield Municipal Airport, Fairfield, Illinois.

DATE: Comments must be received on or before May 22, 1982.

ADDRESS: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 81-AGL-49, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The additional airspace required will contain a new NDB Runway 9 approach procedure and will be within 4 miles each side of the 260° bearing from the Fairfield NDB facility extending from the 5-mile radius to 8½ miles west-southwest of the NDB. A prior NDB Runway 36 instrument procedure has been cancelled, and the airspace to be returned to a non-controlled status is within 3 miles each side of the 179° bearing from the Fairfield Airport extending from the 5-mile radius to 8 miles south of the airport.

In the area of the additional airspace, the floor of the controlled airspace will be lowered from 1,200 feet above the surface to 700 feet above the surface. The development of the new procedure requires that the FAA alter the designated airspace to insure that the procedure will be contained within the controlled airspace. The minimum descent altitudes for the NDR Runway 9 procedure may be established below the floor of the 700-foot controlled airspace.

In the area of the revoked airspace, the floor of the controlled airspace will be raised from 700 feet above the surface to 1,200 feet above the surface.

Aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 81-AGL-49, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before May 22, 1982, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area airspace near Fairfield, Illinois. Subpart G of Part 71 was published in the **Federal Register** on January 2, 1981, (46 FR 540).

List of Subjects in 14 CFR Part 71

Airspace, Airways, Special use airspace, Prohibited areas, Restricted areas

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (46 FR 540) the following transition area is amended to read:

Fairfield, Illinois

That airspace extended upward from 700 feet above the surface within a 5-mile radius of the Fairfield Municipal Airport (latitude 38°23'00" N., longitude 88°25'00" W.); and within 4 miles each side of the NDB facility 260° bearing, extending from the 5-mile radius area to 8½ miles west-southwest 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)); § 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

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 is certified that this—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 30 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on April 7, 1982.

Paul K. Bohr,

Acting Director, Great Lakes Region.

[FR Doc. 82-12052 Filed 5-5-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 82-AGL-4]

Proposed Alteration of Control Zone; Grand Forks Air Force Base, N. Dak.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking

SUMMARY: The nature of this Federal Action is to redescribe the Grand Forks Air Force Base, North Dakota, airport control zone by reference to the airport's geographical position in lieu of any reference to the Red River VOR.

The intended effect of this action is to ensure and maintain controlled airspace within the described control zone as necessary for aeronautical operations at Grand Forks AFB, and to insure segregation of the aircraft using approach procedures in instrument weather conditions from other aircraft operating under visual weather conditions.

DATE: Comments must be received on or before May 28, 1982.

ADDRESS: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 82-AGL-4, 2300 East Devon Avenue, Des Plains, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The Grand Forks AFB control zone description currently makes reference to the Red River VOR. The Air Force intends to decommission the VOR for economic and maintenance reasons. It is necessary to redescribe the control zone prior to initiating any action toward decommissioning the Red River VOR. The new description designates small portions of airspace east and west of the current north extension, and east and west of the current south extension, where the airspace will now be designated as controlled from the surface up to the base of the existing 700-foot transition area. The new description will also return a portion approximately 2 miles by 3½ miles of the current south extension to a non-controlled status where the floor of the designated airspace will be raised from the surface up to 700 feet above the surface.

Aeronautical maps and charts will reflect the defined areas which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 82-AGL-4, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before May 28, 1982, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the control zone near Grand Forks, North Dakota (Grand Forks Air Force Base). Subpart F of Part 71 was published in the Federal Register on January 2, 1982 (46 FR 455).

List of Subjects in 14 CFR Part 71

Airspace, Airways, Special use airspace, Prohibited areas, Restricted areas.

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.171 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.171 (46 FR 455), the following control zone is amended to read:

Grand Forks, North Dakota (Grand Forks Air Force Base)

Within a 5-mile radius of Grand Forks AFB Airport (Latitude 47°57'40"N., Longitude, 97°24'03"W.); within 2.5 miles each side of the 003° bearing from the airport, extending from the 5-mile radius zone to 7 miles north of the airport; within 2.5 miles each side of the 175° bearing from the airport, extending from the 5-mile radius zone to 7 miles south of the airport.

(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)); § 11.61 of the Federal Aviation Regulations (14 CFR 11.61)

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 is certifed that this—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 30 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issues in Des Plaines, Illinois, on April 13, 1982.

Paul K. Bohr,

Acting Director, Great Lakes Region.

[FR Doc. 82-12054 Filed 5-5-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 82-AGL-10]

Proposed Designation of Transition Area; Jeffersonville, Ind.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of this Federal action is to designate controlled airspace near Jeffersonville, Indiana, to accommodate a new instrument approach into Clark County Airport, Jeffersonville, Indiana, established on the basis of a request from the Clark County Airport officials to provide that facility with instrument approach capability utilizing the Nabb, Indiana, VORTAC.

The intended effect of this action is to insure segregation of the aircraft using approach procedures in instrument weather conditions from other aircraft operating under visual weather conditions.

DATE: Comments must be received on or before May 28, 1982.

ADDRESS: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 82-AGL-10, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedures requires that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace.

Aeronautical maps and charts will reflect the area of the instrument procedures, which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements. The Clark County Airport symbol will also be depicted at the same time.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 82-AGL-10, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before May 28, 1982, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a 700-foot controlled airspace transition area near Jeffersonville, Indiana. Subpart G of Part 71 was published in the **Federal Register** on January 2, 1981 (46 FR 540).

List of Subjects in 14 CFR Part 71

Airspace, Airways, Special use airspace, Prohibited areas, Restricted areas.

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (46 FR 540) the following transition area is added:

Jeffersonville, Indiana

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Clark County Airport (latitude 38°21'57"N, longitude 85°44'18"W.), excluding the portion designated as Louisville, Kentucky; and within 1.75 miles each side of the Nabb, Indiana, VORTAC 199 radial extending from the 6.5-mile radius to 7.5 miles northeast of Clark County Airport.

(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)); 11.61 of the Federal Aviation Regulations (14 CFR 11.61)

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 is certified that this—(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; Feburary 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 30 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on April 13, 1982.

Paul K. Bohr,

Acting Director, Great lakes Region.

[FR Doc. 82-12057 Filed 5-5-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 82-AGL-6]

Proposed Designation of Transition Area; Greensburg, Ind.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of this Federal action is to designate controlled airspace near Greensburg, IN, to accommodate a new instrument approach into Greensburg Airport, Greensburg, IN, established on the basis of a request from the Greensburg Airport officials to provide that facility with instrument approach capability based on the Shelbyville, IN, VORTAC.

The intended effect of this action is to insure segregation of the aircraft using approach procedures in instrument weather conditions from other aircraft operating under visual weather conditions.

DATES: Comments must be received on or before May 28, 1982.

ADDRESS: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 82-AGL-6, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedures requires that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700 foot controlled airspace.

Aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the are in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 82-AGL-6, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before May 28, 1982, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulation (14 CFR Part 71) to establish a 700 foot controlled airspace transition area near Greensburg, IN. Subpart G of Part 71 was published in the **Federal Register** on January 2, 1981 (46 FR 540).

List of Subjects in 14 CFR Part 71

Airspace, Airways, Special use airspace, Prohibited areas, Restricted areas.

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (46 FR 540) the following transition area is added

Greensburg, Indiana

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Greensburg Airport (latitude 39°19'35"N, longitude 85°31'21"W.), and within 2.5 miles each side of the Shelbyville, IN, VORTAC 142 radial extending from the 5-mile radius to 7.5 miles northwest of the Greensburg Airport.

(Section 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)); § 11.61 of the Federal Aviation Regulations (14 CFR 11.61)

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 is certified that this—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 30 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on April 13, 1982.

Paul K. Bohr,

Acting Director, Great Lakes Region.

[FR Doc. 82-12056 Filed 5-5-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-AGL-3]

Proposed Designation of Transition Area; Ladysmith, Wisc.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of this Federal action is to designate controlled airspace near Ladysmith, Wisconsin, to accommodate a new NDB Runway 32 instrument approach into Rusk County Airport, established on the basis of a request from the Rusk County Airport officials to provide that facility with instrument approach capability.

The intended effect of this action is to insure segregation of the aircraft using approach procedures in instrument weather conditions from other aircraft operating under visual weather conditions.

DATE: Comments must be received on or before May 28, 1982.

ADDRESS: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 82-AGL-3, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1,200' above ground to 700' above ground. The development of the proposed instrument procedures requires that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace.

Aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 82-AGL-3, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before May 28, 1982, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a 700-foot

controlled airspace transition area near Ladysmith, Wisconsin. Subpart G of Part 71 was published in the Federal Register on January 2, 1981, (46 FR 540).

List of Subjects in 14 CFR Part 71

Airspace, Airways, Special use airspace, Prohibited areas, Restricted airways

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (46 FR 540) the following transition area is added:

Ladysmith, Wisconsin

That airspace extending upward from 700 feet above the surface within a 6½ mile radius of the Rusk County Airport (latitude 45°29'57" N., longitude 91°00'06" W.) at Ladysmith, Wisconsin, and extending 3 miles either side of the 151° bearing from the Ladysmith NDB, extending from 6½ miles to 8½ miles.

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)); § 11.61 of the Federal Aviation Regulations (14 CFR 11.61)

Note.—The FAA has determind 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 is certified that this—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 30 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on April 13, 1982.

Paul K. Bohr,

Acting Director, Great Lakes Region.

[FR Doc. 82-12053 Filed 5-5-82; 8:45 am]

BILLING CODE 4910-13-M

Coast Guard

[CGD 09-80-02]

33 CFR Part 110

Special Anchorage Area, Little Traverse Bay, Lake Michigan, Harbor Springs, MI

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard at the request of the City of Harbor Springs, Michigan, is proposing to amend the Anchorage Regulations by establishing a Special Anchorage Area at Little Traverse Bay in Lake Michigan, Harbor Springs, Michigan.

The City of Harbor Springs has requested this Special Anchorage Area in order to reduce harbor congestion and improve navigation.

Establishment of this Special Anchorage Area will eliminate the necessity for displaying anchor lights on vessels of less than 65 feet in length while anchored within the Area.

DATES: Comments must be received on or before: June 21, 1982.

ADDRESSES: Comments should be mailed to Commander, Marine Port Safety, Ninth Coast Guard District, 1240 East 9th Street, Cleveland, OH 44199. The comments and other materials referenced in this notice will be available for inspection or copying at Marine Port Safety Office, room 2019, 1240 East 9th Street, Cleveland, OH 44199. Normal office hours are between 8 a.m. and 4 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Ensign Steven J. Boyle, Marine Port Safety Office, 1240 East 9th Street, Cleveland, OH 44199, (216) 552-3918.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, data, or arguments. Each person submitting a comment should include their name and address, identify this notice CGD 09-80-82, and the specific section of the proposal to which their comment applies, and give reasons for the comment. Persons desiring acknowledgement that their comments have been received should enclose a stamped self-addressed postcard or envelope. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The principal persons involved in drafting this proposal are Ensign Steven J. Boyle, Port Safety Branch, and Lieutenant M. Eric Reeves, Project Attorney, Ninth Coast Guard District Legal Office.

Discussion of Proposed Rule

The City of Harbor Springs, Michigan has requested that an existing area in which pleasure craft are mooring be designated a Special Anchorage Area. The mooring area will accommodate sixty-four (64) vessels. The size of these vessels will not exceed 45 feet due to the design of the anchorage area. The City of Harbor Springs understands and accepts the principle that this mooring area is available for use of the general public. No restrictions on the use by the general public have been established nor contemplated.

An environmental review of the proposal has been performed by the Ninth Coast Guard District Planning Staff who determined that the proposed action will have no significant impact. Preparation of an environmental assessment was not required since the action was found to be categorically excluded in accordance with section 2-B(3)(g) of COMDTINST M16475.1A.

These proposed regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these proposed regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 22 May 1980). An economic evaluation has not been conducted since, for the reasons discussed above, its impact is expected to be minimal. In accordance with § 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that these rules, if promulgated, will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 110

Anchorage Grounds.

PART 110—ANCHORAGE REGULATIONS

In consideration of the foregoing, it is proposed that Part 110 of Title 33 of the Code of Federal Regulations be amended by adding § 110.82a to read as follows:

§ 110.82a Little Traverse Bay, Lake Michigan, Harbor Springs, Michigan.

The area within the following boundaries:

Beginning at latitude 45°25'02" North, longitude 84°59'7.5" West; thence to latitude 45°25'39.5" North, longitude 84°59'09" West; thence to latitude 45°25'35" North, longitude 84°59'07" West; thence to latitude 45°25'35" North, longitude 84°58'24.8" West; thence to a latitude 45°25'36.1" North, longitude 84°58'23" West; thence to latitude 45°25'39.5" North, longitude 84°58'39" West; thence to point of beginning.

(Sec. 1, 28 Stat. 647, as amended (33 U.S.C. 258); sec. 6(g)(1)(c) 80 Stat. 937, (49 U.S.C. 1655(g)(1)(c)); 49 CFR 1.46(c)(3))

Dated: April 12, 1982.

Henry H. Bell,

Commander, Ninth Coast Guard District.

[FR Doc. 82-12383 Filed 5-5-82; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL-2065-8]

Approval and Promulgation of Implementation Plans; Minnesota

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: In a separate Federal Register notice published today EPA is approving the State of Minnesota's Part D plan to attain the primary and secondary total suspended particulate (TSP) ambient standards in the Twin Cities Seven County Metropolitan Area and the City of Duluth, with the exception of one rule which is conditionally approved. The State has committed itself to meet this approval condition by December 31, 1982. This notice solicits public comment on the December 31, 1982 date.

DATE: Comments must be received by June 7, 1982.

ADDRESSES: Copies of the SIP revision are available for inspection at the following addresses:

Environmental Protection Agency, Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604

Environmental Protection Agency, Publication Information Reference Unit, 401 M Street, SW., Washington, D.C. 20480

Minnesota Pollution Control Agency, 1935 West County Road B-2, Roseville, Minnesota 55113

Written comments should be sent to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Delores Sieja, Regulatory Analysis Section, Air Programs Branch, EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

SUPPLEMENTARY INFORMATION: EPA proposed to approve the State of Minnesota's overall Part D plan to attain the primary and secondary TSP standards in the Twin Cities Seven County Metropolitan Area and the City of Duluth on November 20, 1981 (46 FR 57061). The plan includes many rules that limit particulate emissions. EPA stated in the November 20, 1981 notice that the opacity limitations contained in rule APC-11, Restriction of Emission of Visible Air Contaminants, would apply to source regulated under APC-29, Standards of Performance for Grain Handling Facilities. During the public comment period EPA received one comment from the Minnesota Pollution Control Agency (MPCA) regarding APC-29. MPCA stated that because APC-29 contains specific standards, the opacity standard in APC-11 cannot be utilized in the rule. However, MPCA realizes that problems exist in APC-29 with respect to the enforceability of reasonably available control technology (RACT) emission limitations and is in the process of amending the rule. Therefore, in a January 22, 1982, letter the MPCA requested a conditional approval of APC-29 and committed itself to amend the rule by December 31, 1982. After review of the public comment and letter, EPA is approving the TSP plan for these two areas with the exception of APC-29 which is conditionally approved. That action is being published today in a separate Federal Register notice. EPA noted in that notice that the condition may be satisfied in two ways. The State may either (1) submit an amended APC-29 which contains specific opacity limits that are representative of RACT levels of control, or (2) submit operating permits and/or stipulation agreements for the grain handling facilities in these two nonattainment areas which contain opacity limitations equivalent to RACT control levels. Whatever option is chosen, the State must submit the material to EPA by December 31, 1982 as a revision to the Minnesota State Implementation Plan.

This notice is soliciting public comment on the December 31, 1982 deadline.

Pursuant to section 605(b) of the Regulatory Flexibility Act, I certify that this action will not have a significant economic impact on a substantial number of small entities. This action imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirements of a regulatory impact analysis. Today's action does not constitute a major regulation since it only proposes for public comment a date that the State has committed itself to meet. This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

List of Subjects in 40 CFR Part 52

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

Dated: February 26, 1982.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 82-12329 Filed 5-5-82; 8:45 am]

BILLING CODE 6560-50

GENERAL SERVICES ADMINISTRATION

Transportation and Public Utilities Service

41 CFR Part 101-41

U.S. Government Bill of Lading Correction Notice—Standard Form

Correction

FR Doc. 82-11371 (47 FR 18007, Tuesday, April 27, 1982) was edited in such a way as to give the impression that it was a correction. The document was not a correction. The document dealt with standard forms to correct U.S. Government bills of lading. Therefore, please make the following corrections:

(1) Correct the document heading to read as set forth above.

(2) Correct the "Action" statement by removing "; correction" after the words "Proposed rule".

BILLING CODE 1505-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6299]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, FEMA.

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 nation. 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).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a

newspaper of local circulation in each community.

ADDRESS: See table below.

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: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevation for selected locations in the nation, 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 elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed 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 determination, 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.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

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

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
California	Clovis (City), Fresno County	Dry Creek Pup Creek	Intersection of Creek and Barstow Avenue	*347
		Pup Creek	Intersection of 9th Street and Dewitt Avenue	*352
Maps available for inspection at Department of Public Works, 1033 5th Street, Clovis, California.				
Send comments to the Honorable David Prindiville, 1033 5th Street, Clovis, California 93612.				
California	Fremont (City), Alameda County	Line B (Zone 5)	Intersection of Tallman Court and Granville Drive	#1
		Line K (Crandall Creek) (Zone 5)	100 feet upstream from center of Southern Pacific Railroad.	*15
		Line A (Scott Creek) (Zone 6)	200 feet upstream from center of Nimite Freeway (State Highway 17).	*7
		Line D (Agua Fria Creek) (Zone 6)	100 feet upstream from center of East Warren Avenue	*46
		Line F (Arroyo del Agua Caliente Creek) (Zone 6).	200 feet upstream from center of Kato Road	*19
		Line G (Zone 6)	100 feet upstream from center of Durham Road	*25
		Line J (Canada del Aliso) (Zone 6)	25 feet upstream from center of Mission Boulevard	*222
		Line K (Zone 6)	Intersection of Mission Boulevard and Hunter Lane	*320
		Line L (Mission Creek) (Zone 6)	50 feet upstream from center of Mission Boulevard	*299
		Line L-1 (Zone 6)	Intersection of Gomez Road and Valero Drive	*66
		Line N, N-2 (Zone 8)	Intersection of Boyce Road and Weber Road	#1
		Lake Elizabeth	Confluence of Line M (Morrison Canyon) and Lake	*54
		San Francisco Bay	Intersection of Southern Pacific Railroad Bridge and Newark Slough.	*7
Maps available for inspection at Department of Engineering, 39700 Civic Center Drive, Fremont, California.				
Send comments to the Honorable Leon J. Mezzetti, 39700 Civic Center Drive, Fremont, California 94538.				
California	Fresno (Cith), Fresno County	Central Canal	200 feet upstream from center of South Chestnut Avenue.	*296
		Dry Creek	Intersection of North Chestnut Avenue and East Sierra Avenue.	#1
		Dry Creek Canal	Intersection of North Palm Avenue and East Franklin Avenue.	*285
		Fancher Creek Canal	Intersection of Florence Avenue and South Drinda Avenue.	*285
		Herndon Canal	Intersection of West Shields Avenue and North College Avenue.	*306
		Mill Ditch	Intersection of East McKinley Avenue and North Peach Avenue.	#1
		San Joaquin River	100 feet downstream from center of North Blackstone Avenue (State Highway 41).	*268
Maps available for inspection at Department of Inspection, 2326 Fresno Street, Fresno, California.				
Send comments to the Honorable Daniel K. Whitehurst, 2326 Fresno Street, Fresno, California 93721.				
California	Oakland (City) Alameda County	Line A (Temescal Creek)	Intersection of 47th Street and Market Street	*68
		Line B (Glen Echo Creek)	50 feet upstream from center of 29th Street	*33
		Line C	Intersection of Grand Avenue and Elmwood Avenue	#2
		Line D (Trestle Glen)	Intersection of Park Avenue and Lakeshore Avenue	#2
		Line E (Sausal Creek)	100 feet upstream from center of El Centro Avenue	*218
		Line F (Peralta Creek)	50 feet upstream from center of Florida Street	*206

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Line G	130 feet upstream from center of Fairfax Avenue	*94
		Line I (Seminary Avenue Drain)	50 feet upstream from center of Harmon Avenue	*40
		Line K (Arroyo Viejo Creek)	100 feet downstream from center of MacArthur Boulevard.	*72
		Line M (Elmhurst Creek)	100 feet upstream from center of Hegenberger Expressway.	*10
		Line N (Stonehurst Creek)	100 feet upstream from center of Nimitz Freeway (State Highway 17).	*17
		Line P (San Leandro Creek)	100 feet upstream from center of Nimitz Freeway (State Highway 17).	*17
		San Francisco Bay	Intersection of Tidal Canal and center of Dennison Street.	*7
		Lake Merritt	300 feet north from center of 14th Street Bridge of Line R (Merritt Outflow).	*5
Maps available for inspection at Department of Engineering, 14th & Washington, Oakland, California.				
Send comments to the Honorable Lionel J. Wilson, 14th & Washington Street, Oakland, California 94612.				
California	Orange Cove (City) Fresno County	Orange Cove Drain	Intersection of Third Street and H Street	*424
		Wooten Creek	Intersection of Anchor Avenue and B Street	#2
Maps available for inspection at Department of Public Works, 633 6th Street, Orange Cove, California.				
Send comments to the Honorable Victor Lopez, 633 6th Street, Orange Cove, California 93646.				
California	Reedley (City), Fresno County	Kings River	Downstream side of Olsen Avenue crossing the river	*307
Maps available for inspection at Department of Public Works, 845 G Street, Reedley, California.				
Send comments to the Honorable Lawrence Wilder, 845 G Street, Reedley, California 93654.				
California	Sanger (City), Fresno County	Cherry Avenue Percolation Basin	Intersection of Cherry Avenue and Bethel Avenue	*354
		Greenwood Park Drainage	Intersection of Palm Avenue and Dewitt Avenue	#1
			Intersection of Palm Avenue and Greenwood Avenue	#2
		Southern Pacific Railroad	Intersection of Annadale Avenue and K Street	#2
			Intersection of K Street and Jensen Avenue	#2
Maps available for inspection at Department of Public Works, 1700 7th Street, Sanger, California.				
Send comments to the Honorable Jess Marquez, 1700 7th Street, Sanger, California. 93657.				
Delaware	Bethany Beach, Town, Sussex County	Atlantic Ocean	Entire shoreline within the community	*12
Maps available for inspection at the Town Hall, Bethany Beach, Delaware.				
Send comments to the Honorable Dayard Coulter, Town Manager of Bethany Beach, 214 Garfield Parkway, Box 109, Bethany Beach, Delaware 19930.				
Delaware	Fenwick Island, Town, Sussex County	Atlantic Ocean	Entire shoreline within community	*13
Maps available for inspection at the Office of the Town Clerk, Town Hall, Fenwick Island, Delaware.				
Send comments to the Honorable Marjorie V. Kratz, Council President of Fenwick Island, Town Hall, Fenwick Island, Delaware 19944.				
Delaware	Henlopen Acres, Town, Sussex County	Atlantic Ocean	Entire shoreline within community	*13
Maps available for inspection at the Town Hall, 104 Tidewaters Road, Henlopen Acres, Delaware.				
Send comments to the Honorable Walter C. Deakyne, Jr., Mayor of Henlopen Acres, Town Hall, 104 Tidewaters Road, Henlopen Acres, Delaware 19971.				
Delaware	Rehoboth Beach, City, Sussex County	Atlantic Ocean	Entire shoreline within community	*13
		Lewes and Rehoboth Canal	Entire shoreline within community	*9
Maps available for inspection at the City Hall, 73 Rehoboth Avenue, Rehoboth Beach, Delaware.				
Send comments to Honorable John Hughs, Mayor of Rehoboth Beach, P.O. Box C, 73 Rehoboth Avenue, Rehoboth Beach, Delaware 19971.				
Delaware	South Bethany, Town, Sussex County	Atlantic Ocean	Entire shoreline within community	*11
Maps available for inspection at the Town Hall, 402 Evergreen and Pine Streets, South Bethany, Delaware.				
Send comments to Honorable Margaret Gassinger, Mayor of South Bethany, Town Hall, 402 Evergreen and Pine Streets, South Bethany, Delaware 19930.				
Florida	Hollywood (City), Broward County	Atlantic Ocean—Open Coast	Intersection of North Surf Road and Mead Street	*8
			Approximately 200 feet east of the intersection of North Surf Road and Simms Street.	*11
			Approximately 150 feet east of the intersection of South Surf Road and Jasmine Terrace.	*9
		Atlantic Ocean—Port Everglades	Approximately 1000 feet east of the intersection of Eisenhower.	
			Boulevard and SE 25 Street	*9
		Atlantic Ocean—Intracoastal Waterway.	Intersection of Perry Street and North Ocean Drive	*8
			Intersection on Taft Street and North 11 Avenue	*8
			Intersection of Johnson Street and North 16 Avenue	*7
			Intersection of North 9 Avenue and Buchanan Street	*8
			Intersection of South 7 Avenue and Adams Street	*7
			Intersection of Tyler Street and South 16 Avenue	*7
Maps available for inspection at Building Department, 2600 Hollywood Boulevard, 2nd Floor, Hollywood, Florida.				
Send comments to the Honorable David R. Keating, P.O. Box 2207, Hollywood, Florida 33022.				
Idaho	Rathdrum (City), Kootenai County	Rathdrum Creek	Intersection of 3rd Avenue and Coeur D'Alene Street	*2,182
			Intersection of Post Avenue and Gray Street	*2,203
Maps available for inspection at the City Hall, 311 First Street, Rathdrum, Idaho.				
Send comments to the Honorable Don Zigler, P.O. Box 67, Rathdrum, Idaho 83858.				
Illinois	(V) Channahon, Will County	Du Page River	At mouth at Des Plaines River	*511
			About 600 feet downstream of Channahon Dam	*517

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just upstream of Channahon Dam	*522
			About 900 feet upstream of Eames Street	*524
		Rock Run South	About 500 feet downstream of Chicago, Rock Island and Pacific Railroad.	*521
			Just downstream of Chicago, Rock Island and Pacific Railroad.	*522

Maps available for inspection at the Village Hall, R.R. #1 CC, Channahon, Illinois.

Send comments to Honorable Steven Rittof, Village President, Village of Channahon, Village Hall, R.R. #1 CC, Channahon, Illinois 60410.

Louisiana	City of New Orleans and Orleans Parish	Gulf of Mexico/Lake Borgne	Intersection of Chef Mentuer Pass & Intercoastal Waterway.	*18
		Gulf of Mexico/Lake Pontchartain	At northern cul-de-sac of Francesco Road	*12
			Intersection of Azba Road and Lucrino Road	*11

Maps available for inspection at the Department of Safety and Permits, Building Permit Division, Room 7E04, City Hall, 1300 Perdido, New Orleans, Louisiana 70112.

Send comments to Mr. Barthelemy, President of the City Council, City Hall, Room 2E09, or the Department of Safety and Permits, Building Permit Division, City Hall, Room 7E04, New Orleans, Louisiana 70112.

Louisiana	Unincorporated Areas of St. John the Baptist Parish.	Lake Pontchartrain	Approximately 300 feet from shoreline	*16

Maps available for inspection at St. John the Baptist Police Jury Inspector's Office, Parish Courthouse, 1801 West Airline Highway, LaPlace, Louisiana 70068.

Send comments to Mr. Dowie Gendron, President of St. John the Baptist Police Jury or Mr. Leroy Gravois, Parish Police Jury Inspector, St. John the Baptist Parish Courthouse, P.O. Box 359, LaPlace, Louisiana 70068.

Louisiana	Unincorporated Area of Tangipahoa Parish.	Tangipahoa River	Just downstream of U.S. Highway 190	*32
			Just downstream of State Highway 443	*49
			Approximately 400 feet upstream of State Highway 16	*109
			Just upstream of State Highway 10	*128
			Approximately 500 feet upstream of State Highway 440.	*173
			Just upstream of State Highway 1054	*220
		Natalbany River	Just upstream of State Highway 1064	*44
			Just downstream of State Highway 442	*59
			Just upstream of State Highway 40	*85
			Just upstream of State Highway 16	*124
			Just upstream of Bannett Road	*163
			Just downstream of State Highway 1048	*175
		Ponchatoula Creek	Just upstream of U.S. Highway 190 (westbound)	*39
		Yellow Water River Canal	Just upstream of U.S. Highway 190	*40
		Beaver Creek	Just upstream of Illinois Central Gulf Railroad	*175
		Button Creek	Just downstream of U.S. Highway 51	*199
		Lake Maurepas	Along shoreline	*15
		Lake Pontchartrain	Along shoreline	*18

Maps available for inspection at William Tycer Associates, Inc. 110 East Chestnut, Amite, Louisiana 70422.

Send comments to Mr. Cade Williams, Tangipahoa Parish Police Jury President, P.O. Box 215, or Mr. William Tycer of William Tycer Associates, Inc. P.O. Box 176, Amite, Louisiana 70422.

Maryland	Baltimore, City of	Patapsco River	Southeast of Route 695	*12
			Northwest of Route 695	*10
			East of Baltimore and Ohio Railroad in the vicinity of Wagners Point.	*9
			At Harbor Tunnel	*10
			Northeast of Hanover Street	*10
			At Hanover Street	*8
			At Patapsco Avenue	*8
		Curtis Bay	Northeast of Ferry Point	*10
			Southwest of Ferry Point	*8
		Colgate Creek	At confluence with Patapsco River	*8
			At Conrail Railroad	*8
		Northwest Harbor	At confluence with Patapsco River	*10
			Southeast of Locust Point	*10
			Northwest of Locust Point	*8
		Middle Branch, Patapsco River	At Hanover Street Bridge	*10
			At Western Maryland Railroad	*8

Maps available for inspection at the Planning Department, 222 East Saratoga Street, Baltimore, Maryland.

Send comments to: Honorable William Donald Schaefer, Mayor, City of Baltimore, 250 City Hall, Baltimore, Maryland 21202.

Maryland	Betterton, Town, Kent County	Sassafras River	From eastern corporate limits to Clark Road extended	*14
			From Clark Road extended to western corporate limits	*13

Maps available for inspection at the Town Office, Monday and Friday, between 2:00 p.m. and 4:00 p.m., Betterton, Maryland.

Send comments to Honorable William Fahrman, Mayor of Betterton, P.O. Box 54, Betterton, Maryland 21610.

Maryland	Harford County, Unincorporated Areas	Bush River	Eastern shoreline north of Conrail to Park Beach Drive extended.	*13
			Northern shoreline	*13
			Western shoreline from Birch Avenue extended to the Bush River Yacht Club.	*12
			Western shoreline from Bush River Yacht Club to Baker Avenue West extended.	*14
			Western shoreline north of Conrail	*13
		Otter Point Creek	Southern shoreline in vicinity of Kennard Avenue extended.	*13
			Northern shoreline in vicinity of Harford Boat Club Road extended.	*12

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Gunpowder River	Shoreline from confluence of Foster Branch to confluence with Gunpowder Falls.	*13
		Susquehanna River	Shoreline from Havre de Grace corporate limits to Lapidum Road (extended).	*12
			Conowingo Dam	*38
		Deer Creek	Ady Road (State Route 543) upstream side	*209
			Greir Nursery Road upstream side	*240
			Cherry Hill Road upstream side	*265
			Rocks Road (State Route 24) upstream side	*299
			St. Clair Bridge Road 2nd crossing downstream side	*324
			Federal Hill Road (State Route 165) upstream side	*336
			Dam—upstream side	*355
			Carea Road—upstream side	*387
			Amos Road—upstream side	*413
			State Route 23—upstream side	*452
			Jolly Acres Road—upstream side	*466
			Approximately 1,700' downstream of Long Corner Road.	*498
			County Boundary	*510
		Swan Creek	Aberdeen corporate limits (extended)	*12
			State Route 132 upstream side	*28
			At Oak Street	*56
			State Route 462 upstream side	*153
		Carsins Run	Interstate Route 95 southbound upstream side	*188
			Gilbert Road upstream side	*214
		Bynum Run	Chessie system upstream side	*10
			State Route 7 upstream side	*20
			Hookers Mill Road upstream side	*45
			Most downstream Private Road (ford) upstream side	*87
			Wheel Road upstream side	*131
			At Andrews Way	*203
			MacPhail Road upstream side	*209
			State Route 22 upstream side	*265
			Southampton Road upstream side	*298
			Confluence of Wysong Branch	*324
			U.S. Route 1 Belair Bypass upstream side of culvert	*385
			Bynum Road upstream side	*411
			Approximately 5,900' upstream of Bynum Road	*439
		Tributary 1 to Bynum Run	Confluence of Tributary 2 to Bynum Run	*269
			Fountain Green Road (State Route 543) downstream side.	*293
		Tributary 2 to Bynum Run	Confluence with Tributary 1 to Bynum Run	*269
			Southampton Road upstream side	*294
		Wysong Branch	Confluence with Bynum Run	*324
			Private Farm Road downstream side	*346
		Farnandis Branch	Virginia Avenue (extended)	*246
		Ha Ha Branch	U.S. Route 40 upstream side	*13
			At Philadelpha Road (State Route 7)	*25
			Red Maple Drive extended	*54
			Approximately 140' downstream of Interstate Route 95	*74
		Winters Run	U.S. Route 40 upstream side	*17
			State Route 7 upstream side	*31
			Confluence of Tributary 3 to Winters Run	*60
			Singer Road upstream side	*91
			Atkisson Dam upstream side	*128
			Ring Factory Road upstream side	*143
			Whitaker Mill Road upstream side	*162
			Bel Air Road upstream side	*204
			Wildwood Drive upstream side	*257
			Confluence of Long Branch	*294
			Confluence of West Branch	*337
		East Branch	Confluence of West Branch	*337
			Upstream Cosner Road	*360
			Upstream Phillipsmill Road	*391
			At Poteet Road	*405
			Upstream Morse Road	*440
			Confluence of Tributary to East Branch	*451
			Upstream Jarrettsville Road	*497
			Upstream Federal Hill Road	*630
		West Branch	Confluence with East Branch	*337
			Upstream Putnam Road	*352
			Upstream Baldwin Mill Road	*389
			Upstream Charles Street	*412
			Upstream of most upstream Private Road	*444
			Upstream Durham Road	*460
			Approximately 500 feet downstream of Furnace Road	*499
		Tributary 1 to Winters Run	Upstream Winters Run Road	*40
			Approximately 540' downstream of Clayton Road	*64
		Tributary 2 to Winters Run	Confluence with Winters Run	*26
			Upstream Chipper Drive	*42
		Tributary 3 to Winters Run	Confluence with Winters Run	*60
			Approximately 1,360' upstream of confluence with Wintrs Run.	*78
		Tributary 4 to Winters Run	Confluence with Atkisson Reservior	*191
			Apprxoimately 60' downstream Wheel Road	*201
		Tributary of East Branch	Confluence with East Branch	*451
			Apprxoimately 1,000 feet upstream of confluence with East Branch.	*467

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Plumtree Run	Confluence with Atkisson Reservior	*138
			Upstream Plumtree Road	*196
			At Tallgate Road	*243
			Upstream Ring Factory Road	*271
			Upstream of downstream Private Road	*292
			Upstream corporate limits	*319
		Bear Cabin Branch	Upstream Carrs Mill Road	*263
			Upstream Grafton Shop Road	*286
			Upstream Bernadette Drive	*326
			Apprxoimately 2,660' upstream of Bernadette Drive	*350
			Apprxoimately 5,400' upstream of Bernadette Drive	*380
		Bread and Cheese Branch	Confluence with Winters Run	*290
			Upstream of Angleside Road	*323
			Upstream Ryan Road	*360
		Long Branch	Confluence with Winters Run	*294
			Upstream Boggs Road	*350
			Upstream Private Road	*394
		Reardon Inlet	Upstream Westwood Road	*20
			Confluence of Tributary to Reardon Inlet	*38
		Tributary to Reardon Inlet	Confluence with Reardon Inlet	*38
			Apprxoimately 840' upstream of confluence with Reardon Inlet.	*43
		Foster Branch	Upstream Joppa Farm Road	*13
			Upstream of Trimble Road	*20
		Wildcat Branch	Apprxoimately 400' upstream of confluence with Little Gunpowder Falls.	*199
			Apprxoimately 1,450' upstream of confluence with Little Gunpowder Falls.	*245
			Upstream Reck Ford Road	*290
			Confluence of Tributary to Wildcat Branch	*328
			Upstream State Route 152 culvert	*371
			Apprxoimately 180' downstream of U.S. Route 1	*419
		Tributary to Wildcat Branch	Apprxoimately with Wildcat Branch	*328
			Upstream U.S. Route 1	*355
		Rocky Branch	Confluence with Wildcat Branch	*297
			Upstream Private Drive	*331
			Downstream State Route 147	*372

Maps available for inspection at the Bel Air Public Library, Hickory Avenue, Bel Air, Maryland.

Send comments to Honorable Thomas Barranger, Harford County Executive, Harford County Office Building, 45 South Main Street, Bel Air, Maryland 21014.

Massachusetts	Milford, Town, Worcester County	Charles River	Upstream of Mellen Street	*239
			Downstream of Howard Street	*242
			Apprxoimately 200' upstream of Central Street	*247
			Apprxoimately 700' upstream of Main Street	*270
			Apprxoimately 300' downstream of Dilla Street	*273
			Apprxoimately 88' upstream of Dilla Street	*278
			Downstream of Cedar Street	*307
			Downstream of Abandoned Railroad	*321
			Upstream corporate limits	*325
		Mill River	Upstream of Milford Street	*288
			Downstream of Whitewood Road	*301
			Upstream of Camp Road	*307
			Upstream of North Pond Dam	*351
		O'Brien Brook	Confluence with Godfrey Brook	*283
			Upstream of Vincenzo Road	*291
		Stall Brook	Upstream corporate limits	*238
			Upstream of Interstate Route 495	*243
			Upstream of Beaver Street	*245
		Godfrey Brook	Confluence with Charles River	*244
			Upstream of South Main Street	*254
			Confluence of O'Brien Brook	*283
			Upstream of West Street	*327
			Upstream of Congress Terrace Culvert	*380
		Huckleberry Brook	Downstream of Abandoned Railroad	*273
			Upstream of upper Louisa Lake Dam	*288
			Upstream of Ebin Street	*330
		Ivy Brook	Confluence with Huckleberry Brook	*300
			Approximately 1,400' downstream of Silver Hill Road	*316
			Approximately 1,300' upstream of Silver Hill Road	*333

Maps available for inspection at the Town Hall, 52 Main Street, Milford, Massachusetts.

Send comments to the Honorable John A. Beccia, Jr., Chairman of the Town of Milford Board of Selectmen, Town Hall, 52 Main Street, Milford, Massachusetts 01757.

Michigan	(Twp.) Bedford, Calhoun County	Kalamazoo River	At downstream corporate limits	*799
			At upstream corporate limits (near Custer Road)	*804
			About 8,750 feet upstream of Custer Road	*806
		Waubascon Creek	At confluence with Kalamazoo River	*804
			Just upstream of Michigan Avenue	*806
			At upstream corporate limits (about 1,500 feet upstream of Cross Street).	*812
		Secondary Channel	At confluence with Kalamazoo River	*803
			At divergence with Kalamazoo River	*803

Maps available for inspection at the Town Hall, 115 South Uldriks, Battle Creek, Michigan.

Send comments to Honorable Bess Jordan, Supervisor, Township of Bedford, Town Hall, 115 South Uldriks, Battle Creek, Michigan 49017.

Michigan	(Twp.) Elmwood, Leelanau County	West Arm-Grand Traverse Bay	Shoreline	*584

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Lake Leelanau	Shoreline	*590
		Cedar Lake	Shoreline	*595
		Outflow from Cedar Lake	Shoreline	*584

Maps available for inspection at the Town Hall, 10740 Cherry Bend Road, Traverse City, Michigan.

Send comments to Honorable Stanley Kouchnerkavich, Supervisor, Township of Elmwood, Town Hall, 10740 Cherry Bend Road, Traverse City, Michigan 49684.

Michigan	(Twp.) Milton, Antrim County	Grand Traverse Bay	Shoreline	*584
		Elk Lake	Shoreline	*590
		Torch Lake	Shoreline	*591
		Torch River	Just downstream of Cherry Avenue	*591
			At mouth at Skegemog Lake	*590

Maps available for inspection at Mr. Clays' Residence, Route #1, Box 19D, Kewadin, Michigan.

Send comments to Honorable Charles Clay, Supervisor, Township of Milton, Route #1, Box 19D, Kewadin, Michigan 49648.

Michigan	(Cht. Twp.) Waterford, Oakland County	Clinton River	Just downstream of Cass Lake Road	*931
			Just upstream of Elizabeth Lake Road	*939
			Just upstream of Emburke Boulevard	*943
			Just downstream of dam near Hatchery Road	*947
			Just downstream of Oakland Lake East Dam	*954
			About 500 feet downstream of Van Norman Lake Outlet.	*961
			Just downstream of Van Norman Lake Outlet	*969
		Oakland Lake West Outlet	Just downstream of Oakland Lake—West Outlet	*954
		Coles Bay—Otter Lake (North Channel).	Just downstream of Cass Lake Road	*932
		Clinton River West Channel	At confluence with Clinton River	*945
			Just downstream of Hatchery Road	*950
		Otter Lake	Shoreline	*931
		Cass Lake	Shoreline	*932
		Loon Lake	Shoreline	*952
		Oakland Lake	Shoreline	*960
		Woodhull Lake	Shoreline	*960
		Van Norman Lake	Shoreline	*969
		Eagle Lake	Shoreline	*960
		Sylvan Lake	Shoreline	*931
		Lester Lake	Shoreline	*969
		Wormer Lake	Shoreline	*953
		Schoolhouse Lake	Shoreline	*953
		Mohawk Lake	Shoreline	*953
		Silver Lake	Shoreline	*952
		Upper Silver Lake	Shoreline	*952
		Lotus Lake	Shoreline	*969
		Maceday Lake	Shoreline	*969
		Williams Lake	Shoreline	*969

Maps available for inspection at the Town Hall, 5200 Civic Center Drive, Waterford, Michigan.

Send comments to Honorable James E. Seeterlin, Supervisor, Charter Township of Waterford, Town Hall, P.O. Box 428, 5200 Civic Center Drive, Waterford, Michigan 48095.

Missouri	(C) Brunswick, Chariton County	Grand River	About 2,600 feet upstream from mouth	*647
			Upstream corporate limits	*649

Maps available for inspection at the City Hall, Brunswick, Missouri.

Send comments to Honorable Charles Prettyman, Mayor, City of Brunswick, City Hall, Brunswick, Missouri 65236.

Missouri	(C) Plattsburg, Clinton County	Concord Creek	Just upstream of East Concord Drive	*901
			About 150 feet downstream of Lake Concord Spillway	*902
			Just downstream of Lake Concord Spillway	*915
			About 6,000 feet upstream of confluence with Funkhouser Creek (near western corporate limit).	*935
		Lake Concord	Shoreline	*821
		Smithville Reservoir	Shoreline	*876
		Funkhouser Creek	Just upstream of confluence with Oak Branch	*876
			About 250 feet upstream Broadway Street	*923
			Just upstream of Plotsky Avenue	*944
			About 3,800 feet upstream of Plotsky Avenue (near western corporate limit).	*971
		Horsefork Creek	Just downstream of State Highway 116	*885
			Just upstream of Atchison, Topeka and Santa Fe Railroad.	*886
		Minklers Branch	Confluence with Horsefork Creek	*886
			Just upstream of East Street	*904
			Just upstream of Main Street	*910
			Just upstream of Second Street	*916
			Just upstream of Walnut Street	*929
			Just downstream of Fourth Street	*933

Maps available for inspection at the City Hall, Plattsburg, Missouri.

Send comments to Honorable Jack Wilson, Mayor, City of Plattsburg, 703 Fairway Drive, Plattsburg, Missouri 64477.

Missouri	(T) Sumner, Chariton County	Grand River	About 5,100 feet upstream of State Highway 139	*671
			About 8,200 feet upstream of State Highway 139	*672

Maps available for inspection at the City Hall, Sumner, Missouri.

Send comments to the Honorable Marilyn Lynscott, Mayor, Town of Sumner, City Hall, Sumner, Missouri 64681.

New Hampshire	Croydon, Town, Sullivan County	North Branch Sugar River	At downstream corporate limits	*778
			At Dartmouth College Road/State Route 10 First Crossing.	*793

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Upstream Glidden Bridge Road	*881
			Upstream Pine Hill Road	*890
			Upstream corporate limits	*913

Maps available for inspection at the home of Rita Gross, Town Clerk, Croydon, New Hampshire.

Send comments to the Honorable Ronald Leslie, Chairman, R.F.D. 1, Box 278, Newport, New Hampshire 03773.

New Hampshire	Stratford, Town, Coos County	Connecticut River	At downstream corporate limits	*861
			Downstream Maidstone-Stratford Hollow Bridge	*865
			At confluence of Connary Brook	*874
			At confluence of Smarts Mill Brook	*881
			Upstream State Route 105	*902
			At upstream corporate limits	*932
		Bog Brook	At confluence with Connecticut River	*865
			Downstream Spur Road	*902
			Upstream Tetu Road	*952
			Downstream Bog Road	*1,032
			Approximately 50' upstream of Egan Road	*1,065

Maps available for inspection at the Stratford Selectmens Office, North Stratford Fire Station, North Stratford, New Hampshire.

Send comments to the Honorable Paul Hawley, Chairman of the Stratford Board of Selectmen, Town of Stratford, R.F.D. #1, Box 82, North Stratford, New Hampshire 03590.

New Hampshire	Warren, Town, Grafton County	Baker River	Downstream of State Route 25	*675
			Confluence of Ore Hill Brook	*713
			Upstream of Studio Road	*763
			Upstream of State Route 118	*871
			Upstream of Moosilauke Carriage Road	*1,102
		Ore Hill Brook	Confluence with Baker River	*713
			Upstream of Lund Road (downstream crossing)	*757
			Approximately 1,560' upstream of Lund Road (upstream crossing).	*777

Maps availble for inspection at the Town of Warren Selectman's Office, Town Hall, Warren, New Hampshire.

Send comments to the Honorable Floyd Ray, Chairman of the Town of Warren Board of Selectmen, Town Hall, Warren, New Hampshire 03279.

New Jersey	Avalon, Borough, Cape May County	Atlantic Ocean	76th Street extended 850 feet seaward from its intersection with Dune Drive.	*14
			62nd Street extended 550 feet seaward from its intersection with Dune Drive.	*14
			48th Street extended 700 feet seaward from its intersection with Dune Drive.	*14
			30th Street extended 350 feet seaward from its intersection with Avalon Avenue.	*14
			13th Street extended 700 feet seaward from its intersection with Avalon Avenue.	*14
			Dune Drive extended 500 feet northeast from its intersection with 7th Street.	*14
			74th Street extended 800 feet seaward from its intersection with Dune Drive.	*11
New Jersey	Avalon, Borough, Cape May County	Atlantic Ocean	52nd Street extended 450 feet from its intersection with Dune Drive.	*11
			30th Street at the Boardwalk	*11
			Intersection of 7th Street and First Avenue	*11
			Intersection of 3rd Avenue and 6th Street	*11
			Intersection of 77th Street and Ocean Drive	*10
			Intersection of 53rd Street and Dune Drive	*10
			Intersection of Pelican and Heron Drives	*10
			Intersection of 1st Avenue and 29th Street	*10
			Intersection of 5th Avenue and 21st Street	*10
			Intersection of Dune Drive and 8th Street	*10
			Confluence of Shark Creek with the Gulf Island Thorofare.	*11

Maps available for inspection at the Office of the Municipal Clerk, Municipal Building, 3100 Dune Drive, Avalon, New Jersey.

Send comments to Honorable Ellsworth Armacost, Mayor, Borough of Avalon, Municipal Building, 3100 Dune Drive, Avalon, New Jersey 08202.

New Jersey	Lower, Township, Cape May County	Delaware Bay	Entire shoreline within community	*9
		Atlantic Ocean	Entire shoreline between Borough of Cape May Point and City of Cape May.	*14
			Along the Lower Township/Cape May Point corporate limits between Seagrove Avenue and Sunset Boulevard.	*10
			Along the City of Cape May/West Cape May corporate limits to approximately 920' east of intersection of Seagrove Drive and Sunset Boulevard.	*12
			Along the Lower Township/West Cape May corporate limits to the U.S. Coast Guard Base.	*10
			Entire shoreline between U.S. Coast Guard Base and Wildwood Crest corporate limits.	*14
			Along the corporate limits of Lower Township/Wildwood Crest.	*10
			Along the corporate limits of Lower Township/City of Wildwood.	*10

Maps available for inspection at the Municipal Building, 2600 Bayshore Road, The Villas, New Jersey.

Send comments to Honorable Thomas H. Clydesdale, Mayor of Lower Township, 2600 Bayshore Road, The Villas, New Jersey 08251.

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New Jersey	Stone Harbor, Borough, Cape May County.	Atlantic Ocean	82nd Street extended 300 feet seaward from its intersection with First Avenue.	*14
			96th Street extended 400 feet seaward from its intersection with First Avenue.	*14
			111th Street extended 400 feet seaward from its intersection with First Avenue.	*14
			122nd Street extended 400 feet seaward from its intersection with Second Avenue.	*14
			Terrain along the shoreline southwest of 122nd Street and along Hereford Inlet.	*14
			Sand Marsh along the eastern bank of Great Channel, southwest of Ocean Drive.	*12
			Intersection of Third Avenue and 122nd Street	*12
			110th Street extended 300 feet seaward beyond its intersection with First Avenue.	*11
			88th Street extended 250 feet seaward beyond its intersection with First Avenue.	*11
			Intersection of 118th Street and Third Avenue	*10
			Intersection of Golden Gate Road and 104th Street	*10
			Intersection of 100th Street and First Avenue	*10
			Intersection of Second Avenue and 92nd Street	*10
			Intersection of Third Avenue and 82nd Street	*10
Maps available for inspection at the Office of the Borough Clerk, Borough Hall, 9508 Second Avenue, Stone Harbor, New Jersey.				
Send comments to Honorable James Wood, Mayor, Borough of Stone Harbor, Borough Hall, 9508 Second Avenue, Stone Harbor, New Jersey 08247.				
New Jersey	Sussex, Borough, Sussex County	Clove Brook	Clove Acres Lake	*429
			Downstream side of Clove Acres Lake Dam	*414
			Downstream side of Newton Avenue	*409
			Downstream side of Loomis Avenue	*407
			Downstream corporate limits	*401
Maps available for inspection at the Office of the Borough Clerk, Municipal Building, Two Main Street, Sussex, New Jersey.				
Send comments to Honorable Alonzo W. Little, Mayor of Sussex, Municipal Building, Two Main Street, Sussex, New Jersey 07461.				
New York	Cedarhurst, Village, Nassau County	Motts Creek	Entire shoreline within community	*11
Maps available for inspection at the Village Hall, 200 Cedarhurst Avenue, Cedarhurst, New York.				
Send comments to Honorable Nicholas A. Ferina, Mayor of Cedarhurst, 200 Cedarhurst Avenue, Cedarhurst, New York 11516.				
New York	Fort Johnson, Village, Montgomery County.	Mohawk River	Downstream corporate limits (extended)	*278
			Upstream corporate limits (extended)	*280
		Kayaderos-seras Creek	Confluence with Mohawk Creek	*279
			Upstream of State Route 67/Fort Johnson Avenue	*315
			Upstream corporate limits	*350
Maps available for inspection at the Office of the Village Clerk, 36 Fort Johnson Avenue, Fort Johnson, New York.				
Send comments to Honorable Thomas W. Deay, Jr., Mayor of Fort Johnson, 58 Fort Johnson Avenue, Fort Johnson, New York 12070.				
New York	Southampton, Village, Suffolk County	Shinnecock Bay	Shoreline from approximately 0.07 mile southwest of Meadow Lane (extended) to a point 0.59 mile west of Shinnecock Road (extended).	*9
			Shoreline from a point of 0.59 mile west of Shinnecock Road (extended) to a point 0.1 mile south of Boatmens Lane (extended).	*8
			Shoreline from a point 0.1 mile south of Boatmens Lane (extended) to a point approximately 120' south of Hill Street.	*7
		Atlantic Ocean	Entire shoreline within community	*14
Maps available for inspection at the Village Hall, 23 Main Street, Southampton, New York.				
Send comments to Honorable Roy L. Wines, Jr., Mayor of Southampton, Village Hall, 23 Main Street, Southampton, New York 11968.				
North Dakota	Minot (City), Ward County	Souris River	Intersection of 33rd Avenue Southeast and 51st Street Southeast.	*1,547
			Intersection of Burdick Expressway and 15th Street Southeast.	*1,552
			Intersection of 2nd Avenue Northwest and 6th Street Northwest.	*1,557
			Intersection of Camino Arboles and Camino Abierto	*1,563
Maps available for inspection at the City Manager's Office, Minot Civic Center, Minot, North Dakota.				
Send comments to the Honorable Chester Reiten, Minot Civic Center, Minot, North Dakota 58701.				
Ohio	(V) Brilliant Jefferson County	Ohio River	At downstream corporate limits	*666
			At upstream corporate limits	*667
Maps available for inspection at the Mayor's Office, Village Hall, 409 Prospect Street, Brilliant, Ohio.				
Send comments to the Honorable Rodney Roe, Mayor, Village of Brilliant, Village Hall, 409 Prospect Street, Brilliant, Ohio 43913.				
Ohio	(V) Pataskala, Licking County	South Fork Licking River	About 1,200 feet downstream of Service Road	*975
			Just downstream of Conrail	*991
			Just upstream of Conrail	*997
			About 2,400 feet upstream of State Route 16	*1,016

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Muddy Fork	About 550 feet downstream of County Road 151	*983
			Upstream corporate limit (just downstream of State Route 16).	*1,005
		Pataskala Tributary	Confluence with South Fork Licking River	*997
			Upstream corporate limit (just downstream of Blacks Road.	*1,017

Maps available for inspection at the Clerk Treasurer's Office, Village Hall, 430 South Main Street, Pataskala, Ohio.

Send comments to the Honorable Levi Streets, Mayor, Village of Pataskala, Village Hall, 430 South Main Street, P.O. Box 302, Pataskala, Ohio 43062.

Oklahoma	Town of Alex, Grady County	Washita River	Approximately 800 feet downstream from State Highway 19C.	*1,026
			Approximately 500 feet upstream from State Highway 19C.	*1,027
		Soldier Creek	Approximately 350 feet downstream of the Town of Alex Western Corporate Limits.	*1,029
		Tributary No. 1	Approximately 200 feet upstream of H Avenue	*1,034
			Just upstream of State Highway 19C	*1,045
		Tributary No. 2	Just upstream from H Avenue	*1,027
		Tributary No. 3	Approximately 250 feet downstream from State Highway 19C.	*1,031

Maps available for inspection at the Town Hall, 208 Broadway Street, Alex, Oklahoma 73002.

Send comments to Mayor Gary Williams or Glenda Ward, Town Clerk, Town Hall, 208 Broadway Street, Alex, Oklahoma 73002.

Oklahoma	Town of Colony, Washita County	Cobb Creek	Approximately 350 feet upstream of State Highway 69 (Seger Street).	*1,454
			Approximately 200 feet upstream of State Highway 54A.	*1,470
		Tributary No. 1	Just downstream from School Road	*1,456
			Approximately 100 feet downstream of State Highway 69 (Seger Street).	*1,469

Maps available for inspection at Community Building, Colony, Oklahoma 73021.

Send comments to Mayor Loy Luekenga, P.O. Box 67 or Mr. Zane Payne, Town Board Member, P.O. Box 65, Colony, Oklahoma 73021.

Pennsylvania	Snyder, Township, Blair County	Little Juniata River	Upstream of Honest Hollow Road	*858
			Upstream of State Route 453 (1st crossing)	*872
			Upstream of Plummer Hollow Road	*886
			Confluence of Hutchinson Run	*906
			Upstream of Conrail	*917
		Bald Eagle Creek	Downstream of Westvaco Bridge	*916
			Confluence of Decker Run	*941
			Downstream of Old U.S. Route 220 (Legislative Route 55).	*986
			Confluence of Vanscoyoc Run	*1,019
			Downstream of U.S. Route 220	*1,045
			Upstream of State Route 350 (Legislative Route 524)	*1,056
		Big Fill Run	Confluence with Bald Eagle Creek	*1,048
			Downstream of State Route 350 (Legislative Route 524).	*1,065
			Upstream of Old U.S. Route 220 (Legislative Route 55).	*1,085
			Downstream of 1st Private Road	*1,120
			Approximately 1,440' upstream of 1st Private Road	*1,142
			Upstream of 2nd Private Road	*1,178
		Decker Run	Confluence with Bald Eagle Creek	*941
			Downstream of 1st Private Road	*987
			Downstream of 3rd Private Road	*1,030
			Approximately 1,340' upstream of 3rd Private Road	*1,060
			Approximately 2,720' upstream of 3rd Private Road	*1,090
			Upstream of 4th Private Road	*1,127
			Approximately 1,490' upstream of 4th Private Road	*1,160
		Schell Run	Approximately 4,650' downstream of Township Route 510.	*967
			Downstream of Township Route 510	*1,086
			Approximately 1,945' upstream of Township Route 510.	*1,146
		Hutchinson Run	Confluence with Little Juniata River	*906
			Upstream of Old U.S. Route 220 (Legislative Route 55).	*911
			Downstream of Private Road	*948
			Approximately 2,155' downstream of Township Route 515.	*1,000
			Upstream of Township Route 55	*1,053

Maps available for inspection at the Snyder Township Building, R.D. 3, Tyrone, Pennsylvania.

Send comments to Honorable Eugene Grazier, Chairman of the Snyder Board of Supervisors, R.D. 3, Box 119, Tyrone, Pennsylvania 16686.

Rhode Island	Newport, City, Newport County	Atlantic Ocean	Entire shoreline within the community	*19
		Narragansett Bay	Entire shoreline within the community	*15

Maps available for inspection at the Office of the City Planner, City Hall, Broadway Street, Newport, Rhode Island.

Send comments to Honorable Paul L. Gaines, Mayor of Newport, City Hall, Broadway Street, Newport, Rhode Island 02840.

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Texas	City of Nome, Jefferson Coutny	Cotton Creek	Just upstream of 3rd Street	*42

Maps available for inspection at Mayor Ferguson's Office at the Briggs Motor Company, U.S. Highway 90, Southside, Nome, Texas 77629.
Send comments to Mayor Ferguson or Catherine McDermand, Mayor Pro-tem, City Hall, P.O. Drawer D, Nome, Texas 77629.

(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: April 26, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82–11992 Filed 5–5–82; 8:45 am]

BILLING CODE 6718–03–M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 171 and 172

[Docket HM–145D; Notice No. 82–2]

Hazardous Waste Manifest; Shipping Papers; Extension of Time for Public Comment

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Notice of proposed rulemaking; extension of time for public comment.

SUMMARY: MTB published a notice in the **Federal Register** on March 4, 1982 (Docket HM–145D; Notice No. 82–2; 47 FR 9346) concerning the adoption of a Uniform Hazardous Waste Manifest form. Several requests have been received for an extension of the public comment period. This Notice extends the time for public comment from April 28 to June 17, 1982.

DATE: Comments must be received no later than June 17, 1982.

FOR FURTHER INFORMATION CONTACT:

Lee E. Metcalfe, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Washington, D.C. 20590, (202) 426–2075.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A to Part 1 and paragraph [a] [4] of App A to Part 106)

Note.—The Material Transportation Bureau has determined that this document will not result in a "major rule" under terms of Executive Order 12291 and DOT implementing procedures (44 FR 11034) not require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.)

Issued in Washington, D.C. on April 28, 1982.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 82–12047 Filed 5–5–82; 8:45 am]

BILLING CODE 4910–60–M

Notices

Federal Register
Vol. 47, No. 88
Thursday, May 6, 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.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Meeting

Notice is hereby given in accordance with § 800.6(d)(3) of the Council's regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800), that the Advisory Council on Historic Preservation will meet on Tuesday, May 25, 1982, in Room EF–100, United States Capitol, Washington, D.C. The meeting will begin at 9 a.m. The meeting is open to the public.

The Council was established by the National Historic Preservation Act of 1966 (16 U.S.C. 470) to advise the President and Congress on matters relating to historic preservation and to comment upon Federal, federally assisted, and federally licensed undertakings having an effect upon properties listed in or eligible for inclusion in the National Register of Historic Places. The Council's members are the Architect of the Capitol; the Secretaries of the Interior, Agriculture, Housing and Urban Development, Treasury, Transportation; the General Services Administrator; the Chairman of the National Trust for Historic Preservation; the President of the National Conference of State Historic Preservation Officers; a Governor, a Mayor, and eight non-Federal members appointed by the President.

The agenda for the meeting includes the following:

I. Report of the Task Force on Regulations
II. Report of the Executive Director
  A. Council Reauthorization
  B. ICCROM Reauthorization
III. Report of the Task Force on Federalism and Preservation
IV. Report of the Task Force on Tax Study
V. Report of the General Council
  A. Conflict of Interest Regulations
VI. Section 106 Project Consideration
VII. New Business

Additional information concerning either the meeting agenda or the submission of oral and written statements to the Council is available from the Executive Director, Advisory Council on Historic Preservation, Suite 430, 1522 K Street NW., Washington, D.C. 20005, 202–254–3967.

Dated: April 28, 1982.

Robert R. Garvey, Jr.,
Executive Director.

[FR Doc. 82–12310 Filed 5–5–82; 8:45 am]
BILLING CODE 4310–10–M

DEPARTMENT OF AGRICULTURE

Forest Service

Record of Decision; Final Environmental Impact Statement; Hells Canyon National Recreation Area, Comprehensive Management Plan; Wallowa-Whitman, Nez Perce, Payette National Forests, States of Oregon and Idaho, Counties of Baker and Wallowa in Oregon, Counties of Nez Perce, Idaho and Adams in Idaho

This record of decision pertains to the management of Hells Canyon National Recreation Area as established by Pub. L. 94–199 of December 1975. It replaces my earlier decision of May 28, 1981, which was rescinded for reconsideration prior to the September 3, 1981, scheduled date for implementation. Based on the analysis and evaluation in the final environmental impact statement (published June 6, 1981), it is my reconsidered decision to adopt, with some specific changes, alternative C as the management plan for the Hells Canyon National Recreation Area. Alternative C with modifications provides for a broad range of land uses and recreation opportunities and will continue to assure resource use while protecting natural beauty, historical, and archeological values of the area. This alternative is preferred considering social, economic, and environmental values. Further, it best meets the requirements of Pub. L. 94–199.

Alternative C (the selected alternative) provides for: development of recreation and road facilities consistent with retention of the existing character of the area; timber management to promote stand health, vigor, and diversity and provide between 5 and 9 million board feet annually; grazing use balanced with wildlife needs and range conditions which are maintained in good to better condition; three additions (25,158 acres) to the National Wilderness System are recommended; and, power and floatboat use regulation during the peak recreation season.

In addition, the management plan under this alternative is directed toward meeting State water quality standards and established standards for air quality. Visual Quality Objectives are identified and cultural resource protection provided for. As part of the Comprehensive Management Plan, a transportation plan proposing improved road access on both the east and west rims of Hells Canyon for viewing as well as development of a National Trail is incorporated. To help ensure that provisions of the plan are carried out a monitoring program is also part of the plan and is hereby adopted.

Private land use regulations which rely primarily on county zoning ordinances are a third integral part of the plan. They set forth standards for the use and development of privately owned lands to accomplish the purposes of the Act.

As a result of my review and reconsideration of the original decision, I am by this decision further clarifying and modifying the Comprehensive Management Plan through the incorporation of features considered within the scope of the original evaluation process as defined by the alternatives considered. Modifications and clarifications are as follows:

—The number of commercial powerboat permits (1981), allocations and conditions will generally be continued until better information about capacity, use trends and safety is developed. During the regulated season, from May 15, to September 15 each year, trip permits will be required for floatboat use on the entire river and for powerboat use above Pittsburg Landing beginning in 1983 rather than 1982. Trip permits for commercial operators are in addition to the existing special use permits presently required by law for all commercial operations within the National Forest System. Regulations for floatboat use will continue in accord with requirements adopted in 1978. The public, including floatboaters and powerboat interest

groups will be involved if river use conflicts or other management problems are identified where resolution may be through revision of the regulations and allocations of use. Resolution might include alternating short term closures for different types of watercraft over specified sections of the river. Until then, however, new permits or revised permit conditions will be considered only if they are consistent with the established Comprehensive Management Plan. Commercial permit reduction from the 1981 level is expected to occur through normal permit relinquishment and cancellation due to noncomplaince or nonuse.

—Increased powerboat access and share of the river during the regulated use season are provided. During the regulated period 50 commercial powerboat and 50 private powerboat days per week will be the capacity limit permitted for use of the river from Pittsburg Landing upstream to the base of Rush Creek Rapids. Within this limit, a maximum of six powerboats per day of combined commercial and private use (3 each) may be scheduled to continue up the river from the base of Rush Creek Rapids to Hells Canyon Dam. Because of the hazards of varying water releases from the dam and associated conditions of downstream rapids, powerboat operators applying for permits to use the river above the base of Rush Creek rapids will be asked to meet minimum equipment and experience standards appropriate for the expected conditions. Campsite assignment priority will generally be given to floatboaters on this section of the river.

—The Westside Reservoir Face Wilderness recommendation on page 44 and map is modified to provide for a nonwilderness corridor for the existing 230 KV powerline.

—The last sentence on page 31 of the Comprehensive Management Plan which refers to the removal of the 230 KV powerline from Hells Canyon Dam to Pallette Junction is replaced with the following sentence: "The Forest Service will continue to work with Idaho Power Company and other private and Federal energy suppliers to identify appropriate transmission corridors for the future that will be most compatible with the purposes of Pub. L. 94–199."

—The management direction for Dispersed Recreation/Naive Vegetation Management Areas is supplemented to clarify that insects, disease, and noxious weeds prevention and control by appropriate measures will be undertaken when necessary to protect timber and other vegetation on private or public lands.

—Under the "Kirkwood Road" heading page 6: add "to the vicinity of" in the first sentence in front of "Kirkwood Ranch"; delete the third sentence starting "Close the * * *" Also revise on page 22 under "Dispersed Recreation/Native Vegetation," the last sentence in the paragraph starting "The Kirkwood Cow Camp * * *" to read "The Kirkwood Cow Camp to the vicinity of the Kirkwood Ranch road * * *"

—Under Management Direction for Range Management on page 20: revise the second sentence to read "On the Idaho portion, maintain domestic livestock numbers at approximately the present (1981) permitted levels."

—Under Recreation Use on page 45: revise the first paragraph to read "Permits for wilderness use may be required. Where wilderness values are jeopardized by recreation use, such use will be redirected, regulated, or excluded. Generally party size will be restricted to eight people and 16 head of stock. Exceptions for groups up to a combined total of 30 people and animals may be approved by the Forest Service. Delete the second paragraph starting "Horses associated * * *"

Following, by two geographic areas, are the summarized reasons for my determination.

The National Recreational Area Excluding the Snake River Corridor

—Provides for protection, maintenance, and enhancement of ecological values including wildlife, native vegetation, and unique biological features.

—Emphasizes use of the area for recreation and public enjoyment reasonably balanced with other land and resource uses in appropriately suited areas.

—Establishes direction for coordination with State wildlife agencies to determine wildlife populations and habitat needs in relation to domestic livestock forage requirements and other NRA purposes.

—Offers a wide range of outdoor recreation opportunities and potential developments for increased use.

—Provides for scenic, cultural, scientific, historic, and other publicly valued benefits.

—Recognizes and provides for the traditional and valid uses of the area as they existed on the date of enactment of Pub. L. 94–199.

—Proposes three highly qualified areas for wilderness classification as logical additions to existing classified wilderness. (The proposal for wilderness is a preliminary administrative recommendation which will be further reviewed at the Secretary and Presidential Office levels as a legislative proposal for Congress. It would increase classified wilderness within the area by 4 percent, from the current 30 percent to 34 percent. (Only through Congressional action can Wilderness be designated.)

—Retains 130 thousand acres (20 percent of NRA) in an undeveloped state offering ample primitive recreation opportunities.

—Establishes private land use regulations that rely on county zoning ordinances. Because most private lands within the NRA are being used for agricultural and related pastoral purposes, their use and management is generally in accord with the purposes of the NRA.

—Resolves identified issues and concerns as developed through public involvement efforts.

Within the Snake River Corridor

—Balances traditional recreation uses while maintaining or enhancing Wild and Scenic River values.

—Provides for the regulation of motorized and non-motorized river craft during peak season of use to maintain traditional social and physical carrying capacities and recreation experience opportunities.

Other alternatives developed and considered in the environmental impact statement were:

A. Emphasized a high level of recreation facility and road development to improve access and opportunities for public use of the area by motor vehicle; established highest level of timber and grazing use outputs consistent with the constraints of Pub. L. 94–199; provided no new wilderness recommendations and fewest Wild and Scenic River use restrictions.

B. Proposed a moderate level of recreation facility and road development for public use of the area; sustained moderate level of timber and grazing use outputs in recognition of wildlife and visual resource values; recommended three roadless areas be added to the National Wilderness System and maintained existing levels of power and floatboat use with some regulation during the peak summer season.

D. Provided for recreation development in five selected locations and road access improvements in two locations including the addition of a road along the west rim of Hells Canyon

from the Lookout Mountain area to the Hat Point Road; maintained current levels of livestock grazing use and permitted timber management which promotes stand health, vigor, and diversity; recommended three roadless area additions to the National Wilderness System and provided for power and floatboat use regulation during the peak season with exclusion of powerboats between Rush Creek and Wild Sheep Rapids.

E. Emphasized rustic facility development at a few selected locations, limited new construction for access roads, and focused on the enhancement of ildlife, scenic, and natural values as contrasted to timber, range, and other commodity values; recommended six roadless areas for National Wilderness System classification, and provided for power and floatboat use regulations during the peak season with exclusion of powerboats between Rush Creek and Wildsheep Rapids.

F. Established high priority for primitive recreation opportunities with provisions for only minimum recreation and road improvements; management and harvest of timber would have been provided solely to enhance wildlife, recreation, and visual values. Grazing management focused on achieving an ecological dominance of native species for proportionate use by wildlife and permitted domestic livestock; recommended 15 roadless areas for addition to the National Wilderness System and provided for power and floatboat use regulations with exclusion of powerboats during the peak season from Pittsburg Landing to Hells Canyon Dam.

G. Continued current (1978) management as set forth in the Interim Management Guidelines; would have provided for maintenance of existing recreation and road facilities and proposed no new development, management, and harvest of timber under selective harvest provided for only on available commercial forest land not identified as roadless; grazing use would be maintained at current levels; roadless areas would be maintained so as not to preclude future wilderness designation. Regulation of power and floatboats would be minimal, constrained mostly by facility limitations. Implementation of the revised plan will take place on August 2, 1982. This decision is subject to administrative review (appeal) pursuant to 36 CFR 211.19.

Dated: April 30, 1982.

R. Max Peterson,

Chief, Forest Service, Department of Agriculture.

[FR Doc. 82-12312 Filed 5-5-82; 8:45 am]

BILLING CODE 3410-11-M

Office of the Secretary

World Agricultural Outlook Board; Supply-Demand Report Goes to Subscription Basis

Effective June 1, 1982, World Agricultural Supply and Demand Estimates will be available only on a paid subscription basis. USDA's World Agricultural Outlook Board publishes the report monthly with supplemental issues following the USDA Grain Stocks reports issued four times a year.

This move reflects current budget constraints and a government-wide effort to recover publication costs.

The April 13 and 23 and May 11 issues of the supply-demand report will include a subscription request. Interested organizations and individuals may purchase reports through the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. The subscription fee is $30, domestic, and $37.50, foreign. Single copies may be purchased for $2, domestic, and $2.50, foreign, also from the Superintendent of Documents.

A limited number of issues will be provided at no cost to land grant university libraries and the news media.

Terry N. Barr,

Acting Chairman.

[FR Doc. 82-12311 Filed 5-5-82; 8:45 am]

BILLING CODE 3410-GL-M

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping Investigation; Sodium Nitrate From Chile

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of antidumping investigation.

SUMMARY: On the basis of a petition filed in proper form with the United State Department of Commerce, we are initiating an antidumping investigation to determine whether sodium nitrate from Chile is being, or is likely to be, sold in the U.S. at less than fair value. We are notifying the United States International Trade Commission (ITC) of this action so that it may determine whether these imports are materially injuring, or threatening to materially injure, a U.S. industry. If the investigation proceeds normally, the ITC will make its preliminary determination on or before May 27, 1982, and we will make ours on or before September 20, 1982.

EFFECTIVE DATE: May 6, 1982.

FOR FURTHER INFORMATION CONTACT: Steven Morrison, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230 (202-377-3965).

SUPPLEMENTARY INFORMATION:

The Petition

On April 12, 1982, we received a petition from counsel for Olin Corporation of Stamford, Connecticut. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleges that sodium nitrate is being, or is likely to be, sold in the United States at less than fair value, within the meaning of section 731 of the Tariff Act of 1930, as amended (19 U.S.C. 1673) (the "Act") and that these imports are materially injuring, or are threatening to materially injure, a U.S. industry. The allegation of sales at less than fair value is supported by comparisons of United States prices (developed from price lists published by the importer, a wholly owned subsidiary of the exporter) with a constructed value of sodium nitrate produced in Chile (developed from an analysis of the exporter's 1980 annual report). The petition also alleges that sales of sodium nitrate in the home market are being made at less than the cost of production as provided in section 773(b) of the Act and that critical circumstances exist as defined in section 733(e) of the Act.

Initiation of Investigation

Under section 732(c) of the Act, we must determine within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for the initiation of an antidumping investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition on sodium nitrate from Chile, and we have found that it meets these requirements. Therefore, in accordance with section 732(c)(2) of the Act, we are initiating an antidumping investigation to determine whether sodium nitrate from Chile is being, or is likely to be, sold in the United States at less than fair value.

We will also investigate whether sales in the home market of sodium nitrate are

being made at less than the cost of production, and we will make a determination regarding the critical circumstances allegation. If our investigation proceeds normally, we will make our preliminary determination by September 20, 1982.

Scope of the Investigation

The merchandise covered by this investigation is sodium nitrate, a chemical currently classifiable under item 480.2500, *Tariff Schedules of the United States Annotated* ("TSUSA"). Sodium nitrate is used in agricultural applications as a specialty fertilizer and in industrial applications as a constituent of explosives, an oxidizing material in glass making, and an additive to charcoal to facilitate ignition.

Notification to ITC

Section 732(d) of the Act (19 U.S.C. 1673a) requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

Pursuant to section 733(a) of the Act (93 Stat. 163, 19 U.S.C. 1673b(a)), the ITC will determine within 45 days, whether there is a reasonable indication that sodium nitrate from Chile is materially injuring, or is likely to materially injure, a U.S. industry. If the ITC determination is negative, this investigation will terminate; otherwise, it will proceed according to the statutory procedures.

This notice is published pursuant to section 732(c)(2) of the Act (93 Stat. 163, 19 U.S.C. 1673a(c)(2)) and § 353.37(b) of the Commerce Regulations (19 CFR 353.37(b)).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 82-12357 Filed 5-5-82; 8:45 am]

BILLING CODE 3510-25-M

[Order No. 41-1 (Amendment 1); D.O.O. Reference 10-3, 40-1]

Organization and Function Order; International Trade Administration

Effective date: March 22, 1982.

ITA Organization and Function Order 41-1 of February 15, 1982 is amended to realign functions reporting to the Deputy Assistant Secretary for Export Development and to transfer certain functions to the Director General of the Commercial Services.

1. The introductory paragraph to Section 2 of Part IV is amended by striking the "and" before the last phrase and inserting the following: "maintains an export reference room containing information on major foreign projects under consideration by international financial institutions and information on projected opportunities reported by FCS Posts and USCS District Offices, including counseling to users of the facility; assists in the resolution of trade disputes between U.S. sellers and foreigh purchasers; directs the E Awards and seminar programs; and"

2. Part IV, Section 2.05 is amended by striking the "and" before the last phrase and inserting the following: "coordinates the operation of the E Awards and seminar programs; and"

3. Part IV, Section 2.09 is added to read:

.09 The *Commercial Services Information Center* maintains an export reference facility for the use of Government and the business community which includes information on major foreign projects under consideration by international financial institutions, market research and projected opportunities reported by FCS Post and USCS District Offices; provides information and technical assistance to the users of the facility, including information and counseling on a wide range of export services available from the Government and the private sector; provides assistance through FCS Posts and USCS District Offices to resolve trade disputes between U.S. sellers and foreign purchasers; designs, tests and evaluates training materials and techniques to assist U.S. businesses; and provides training for both FCS and USCS personnel in gathering, accessing and disseminating commercial information to the business community.

4. Part VII, Section 2.02 is amended to read:

.02 The *Deputy Assistant Secretary for Export Development* develops domestic and overseas programs designed to stimulate the expansion of U.S. exports, including activities to foster an export consciousness among U.S. manufacturing and service industries, particularly small and medium-sized businesses, and evaluates the effectiveness of these programs; develops programs to improve the access of U.S. products and services to foreign markets, including identifying barriers and surveying U.S. laws and practices affecting international trade; directs the delivery of export development programs relevant to field support implementation through the Regional Managing Directors of the U.S. Commerical Service; provides Departmental recognition of domestic and foreign trade promotion events; and directs overseas event scheduling, including exhibitor recruitment, resource management, and staging of the Department's trade promotion events. The Office of the DAS contains the *International Expositions Staff* which is responsible for Federal recognition of and participation in international expositions to be held in the United States and the *USCS Liaison Staff* which directs the delivery of export development programs relevant to field support implementation through the Regional Managing Directors of the U.S. Commercial Service and administers the Small Business Export Development Assistance Program. The DAS directs the following offices:

a. The *Office of Event Management and Support Services* provides direction for facilitating and executing overseas activities arising from the work of other Offices reporting to the DAS for Export Development or agreements with other Agencies and Departmental operating units; manages the certification of domestic and foreign trade promotion events and activities; directs event scheduling coordination activities; stimulates and arranges visits to U.S. exhibitions and industrial facilities for foreign business people and government officials; manages contract and other efforts to increase private sector assumption of all appropriate export promotion activities; coordinates and develops promotional literature to support export development programs; develops, recruits and manages the staging overseas of catalog and video-catalog exhibitions; and serves as the central point for managing the administrative resources of the Offices reporting to the DAS for Export Development.

b. The *Offices of Consumer Goods, Transportation and Industrial Components Industries; Capital Goods Industries; and Service Industries* develop programs designed to foster an export consciousness in United States industries and stimulate export marketing in all segments of the domestic economy which have the capability to export. Each Office carries out specified export development functions with regard to industries assigned; advises Department officials on U.S. Government actions which would increase the chances for, or present major obstacles to, successful

U.S. competition for export sales abroad; conducts recruitment campaigns to attract U.S. industry to participate in overseas exhibitions; maintains information on U.S. technological developments and marketing trends in selected industry segments with respect to foreign markets and exporting; works with the USCS District Offices to assist export expansion activities of State, regional, and local agencies and works directly or through the District Offices to provide information and counseling to U.S. exporters on the mechanics of exporting; facilitates foreign direct capital investments, joint ventures and licensing by foreign firms in the U.S.; develops and plans trade promotion techniques including operating trade and seminar mission programs and special export promotional events; encourages U.S. firms to export to their full potential and works with the export community to support private sector program initiatives and to develop joint programs.

c. In addition to the functions identified in Section 2.02b, the *Office of Service Industries* provides policy guidance and program recommendations to foster the international operations of U.S. service industries (such as insurance, accounting, engineering and construction, advertising, computer and telecommunications services, leasing, franchising, and air and marine shipping); and develops and implements policies relating to U.S. and foreign taxation of international service and other business operations, international technology transfer, international business practices, international aspects of antitrust, international standardization, patent and copyright protection, and related matters arising from the international commercial and investment operations of U.S. firms.

5. The attached organization chart [1] supersedes the chart attached to ITA Organization and Function Order 41-1 of February 15, 1982.

Lionel H. Olmer,

Under Secretary for International Trade.

[FR Doc. 82-12347 Filed 5-5-82; 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) M. S. Willett, Inc., 220 Cockeysville Road, Cockeysville, Maryland 21030, producer of metal stampings, tools and dies (accepted April 6, 1982); (2) Bamberg Textile Mills, Inc., 7100 Falls Road, Brooklandville, Maryland 21022, producer of cotton gauze (accepted April 7, 1982); (3) Annshire Garment Company, Inc., P.O. Box 647, Pittsburg, Kansas 66762, producer of men's and women's coats (accepted April 8, 1982); (4) Continental Swiss Precision Products, Inc., 7173 Construction Court, San Diego, California 92121, producer of machine tools (accepted April 8, 1982); (5) M-J Industries, Inc., 1000 Washington Avenue, St. Louis, Missouri 63101, producer of men's and boys' coats, jackets and vests (accepted April 8, 1982); (6) Snider Mold Company, Inc., 6303 W. Industrial Drive, Mequon, Wisconsin 53092, producer of metal molds (accepted April 8, 1982); (7) Neptune Electronics, Inc., 934 N.E. 25th Avenue, Portland, Oregon 97232, producer of audio control equipment (accepted April 9, 1982); (8) The American Buckle Company, 291 Campbell Avenue, West Haven, Connecticut 06516, producer of buckles for work clothes and other metal products (accepted April 12, 1982); (9) U.S. High Pile Knitting Corporation, P.O. Box 133, Millbury, Massachusetts 01527, producer of pile fabric (accepted April 13, 1982); (10) Top Look Leather Fashions, Inc., 555 8th Avenue, New York, New York 10018, producer of men's and women's jackets (accepted April 15, 1982); (11) Forrest Mountaineering, Ltd., 1517 Platte Street, Denver, Colorado 80202, producer of sports equipment and men's and women's jackets, vests, pants, socks and mittens (accepted April 16, 1982); (12) Basco, Inc., 441 High Street, Perth Amboy, New Jersey 08861, producer of picture frames (accepted April 20, 1982); (13) Wellington, Ltd., 3300 Princeton, N.E., Albuquerque, New Mexico 87107, producer of jewelry, apparel accessories and lighter cases (accepted April 23, 1982); (14) Craig Byron Dress Company, Inc., 463-7th Avenue, New York, New York 10018, producer of women's dresses (accepted April 26, 1982); (15) Communitron Corporation, 1429 N. Halstead Street, Hutchinson, Kansas 67501, producer of communication equipment (accepted April 27, 1982); and (16) Makray, Ltd., 468 East 58th Avenue, Denver, Colorado 80216, producer of men's and women's coats, vests and jackets; and seat covers and pouches (accepted April 27, 1982).

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the 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 recieved 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.

This Catalogue of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted in 11.309, Trade Adjustment Assistance. Inasfar as this notice involves petitions for the determination of eligibility under the Trade Act of 1974, the requirements of office of Management and Budget Circular No. A-95 regarding review by clearinghouses do not apply.

Jack W. Osburn, Jr.,

Director, Certification Division, Office of Trade Adjustment Assistance.

[FR Doc. 82-12360 Filed 5-5-82; 8:45 am]

BILLING CODE 3510-25-M

Stainless Steel Plate From Sweden; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Antidumping Finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on stainless steel plate from Sweden. The review covers one of the two known exporters of this merchandise to the United States covered by the finding, Avesta Jernverks Aktiebolag, for the period October 1, 1976 through May 31, 1980. Avesta's response was inadequate; therefore, the Department intends to use the best information available, which is the most recent margin calculated for Avesta, for assessment and deposit purposes. The Department intends to cover sales prior to October 1, 1976, in a subsequent review. Interested parties are invited to comment.

EFFECTIVE DATE: May 6, 1982.

[1] Filed with original.

FOR FURTHER INFORMATION CONTACT:
Valerie Newkirk or John Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–5345/5289).

SUPPLEMENTARY INFORMATION:

Background

On June 8, 1973, a dumping finding with respect to stainless steel plate from Sweden was published in the **Federal Register** as Treasury Decision 73–157 (38 FR 15079). On January 1, 1980 the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of March 28, 1980 (45 FR 20511–20512) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on stainless steel plate from Sweden. The substantive provisions of the 1921 Act and the appropriate Customs Service regulations apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by the review are shipments of stainless steel plate, which is commonly used in scientific and insustrial equipment because of its resistance to staining, rusting, and pitting. Stainless steel plate is currently classifiable under item 607.9005 of the Tariff Schedules of the United States Annotated (TSUSA).

At the time of the finding there were four known Swedish exporters of stainless steel plate to the United States: Avesta Jernverks Aktiebolag ("Avesta"), Stora Kopparbergs Bergslags AB ("Stora"), Granges Stal Nybybruk AB ("Granges"), and Uddeholm Aktiebolag ("Uddeholm"). Stora was excluded at the time of the finding. Granges and Uddeholm merged on July 16, 1979, to begin trading as Uddeholm/Nyby Uddeholm AB. Therefore, at this time there are only two known exporters of this product to the United States covered by the findings. This review covers Avesta for the period October 1, 1976 through May 31, 1980. The Department separately reviewed Uddeholm for the period January 1, 1980 through May 31, 1980 (47 FR 16666–7). We will cover prior shipments by both firms in a subsequent review.

Avesta's response was inadequate; therefore, we used the best information available. The best information is the most recent appraisement instructions ("master list") for this firm.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that a margin of 5.22 percent exists. Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 30 days after publication of this notice or the first workday thereafter. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all entries made with purchase dates during the time period involved. The Department will issue appraisement instructions directly to the Customs Service.

Further, as provided for in § 353.48(b) of the Commerce Regulations, a cash deposit of 5.22 percent of the entered value shall be required on all shipments of Swedish stainless steel plate produced or exported by Avesta and entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Dated: April 23, 1982.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 82–12358 Filed 5–5–82; 8:45 am]
BILLING CODE 3510–25–M

Duty-Free Entry of Scientific Article; Decision on Application, University of North Carolina

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 80–00420. Applicant: University of North Carolina, Department of Environmental Sciences and Engineering, School of Public Health 201H, Chapel Hill, North Carolina 27514. Article: Gas Chromatograph/Mass Spectrometer/Data System, Model MM 70/70. Manufacturer: VG-Micromass, United Kingdom. Intended Use of Article: See Notice on page 74957 in the **Federal Register** of November 13, 1980. Advice Submitted By: National Bureau of Standards: March 3, 1981.

Comments: No comments have been received with respect to this application. Decision: Application denied. Reasons: An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Discussion: Subsection 301.11(b) of the Departments Regulations (15 CFR Part 301) provides as follows:

"(b) *Manufactured in the United States.* An instrument, apparatus, or accessory shall be considered as being manufactured in the United States if it is customarily produced for stock, produced on order or custom-made within the United States. In determining whether a U.S. manufacturer is able and willing to produce a produced on order, or custom-made instrument, apparatus, or accessory and have it available without unreasonable delay to the applicant the Deputy Assistant Secretary shall take into account the normal commercial practices applicable to the production and delivery of instruments, apparatus, or accessories of the same general category. For example, in determining whether a domestic manufacturer is able to produce a custom-made instrument, apparatus, or accessory the Deputy Assistant Secretary may take into account the production experiences of the domestic manufacturer with respect to the types and complexity of products, the extent of the technological gap between the instrument, apparatus, or accessory to which the application relates and the manufacturer's customary products, and the availability of the professional and technical skills, as well as manufacturing experience, essential to bridging the gap and the time required by the domestic manufacturer to produce an instrument, apparatus or accessory to purchaser's specifications."

This regulation is based on the following evidence of Congressional intent:

"It is considered that there would be justification for a finding that an instrument or apparatus is being manufactured in the United States if a manufacturer in the United States has in stock, or lists in a current catalog and offers for sale, such an instrument or apparatus which it has produced domestically. Moreover, in other instances, such a finding would be justified *if there is satisfactory evidence that a manufacturer is able and willing to produce and have such a domestic article available* promptly so that it may be obtained by the applicant without unreasonable delay, taking into account the normal commercial practice applicable to the production and distribution of instruments or apparatus of the same general type" (emphasis added; H.R. Rep. No. 89-1779, 89th Cong., 2nd Sess. 19).

This application is a resubmission of Docket No. 79-00033, which was denied without prejudice to resubmission on August 3, 1979. In its original application, the applicant listed eleven features as pertinent to its intended uses and claimed that they were not available in the domestic instrument with which the foreign article was compared, the 12-90-G(DF) manufactured by Nuclide. Nuclide had responded to the applicant's request for bid (RFB) in February, 1978, and had taken no exceptions from the specifications shown in the RFB. Our consultants of the National Bureau of Standards (NBS) provided their advice on the original application on February 13, 1979. Of the eleven features listed by the applicant, NBS made no finding on four because they were features of design, maintenance, convenience or cost and therefore not related to the required finding of scientific equivalency. NBS advised that the instrument offered by Nuclide, including its standard catalog items offered as options, satisfied the applicant's specifications, matching and in some cases exceeding the specifications offered by the foreign manufacturer. On the eleventh feature, relating to mass range and minimum ion intensity, NBS advised that the Nuclide instrument offered a mass range "considerably greater" than that of the foreign article. With respect to minimum ion intensity, NBS made no finding because the applicant had failed quantitatively to define its research needs in this respect. In our denial without prejudice to resubmission, we reminded the applicant that specifications "must be presented in a manner that permits comparison of the instruments in question" and noted that the applicant's RFB did not "quantitatively define the required minimum ion intensity." We asked the applicant to show in its resubmission "the actual level of minimum ion intensity required for the planned work." We emphasized that its resubmission should address the "deficiencies described to you in this letter."

In its resubmission the applicant did not satisfactorily address those deficiencies. If failed quantitatively to define a required minimum ion intensity of which the foreign article, but not the Nuclide instrument, is capable. It did not describe any research objective which the foreign article, but not the Nuclide instrument, could achieve on the basis of differing minimum ion intensities of the respective instruments.

The applicant addressed the question of minimum ion intensity in general terms, alleging that "the Nuclide response for mass measurement accuracy as a function of a scan rate is inadequate. We requested the instrument be capable of providing 15 ppm root-mean-square accuracy in mass assignments for all ion 5% full-scale deflection while scanning between m/z 500 and 25 with 1.5 sec. total elapsed time between scans. The Nuclide response specifies a 10 sec/decade scan with no specification of magnet reset time with a mass assignment of 15 ppm. The Nuclide response is unsatisfactory even in the quoted ±5 ppm at 10,000 resolution, 10 sec/decade scan. Nuclide does not specify either a mass range or a minimum ion intensity whereas the VG-Micromass specification includes all ions above 5% full scale deflection. Thus the legal requirements of the Nuclide specification could be met by adjusting the mass spectrometer scan rate so that only one ion from the sample is observed and its assignments be within ±5 ppm. This misses a large part of the purpose of this specification, which is to test the over-all ripple on the instrument and the response of the amplifiers."

NBS advice on this point is as follows:

"Nuclide does not, as stated by the applicant, imply that their system is limited to a scan speed of 10 seconds to obtain the requested mass measurement accuracy. Nuclide offered a reprint of a published paper that demonstrated that they had in fact delivered a system and that this system obtained an even better accuracy (than requested) though at a slower scan rate. In both their bid and their letter of February 9, 1978, Nuclide specifically addressed this point and stated that their system would meet the required specifications."

We concur with NBS. We further note that the foreign article does not offer a guaranteed specification which includes all ions > 5 percent full scale deflection. Its specifications in this application state peak intensity may be measured either by height or area by choice of the operator. The application includes a copy of a paper by the foreign manufacturer which shows that in work done on normal alkanes, C_8-C_{18} the molecular ion intensity relative to the base peak diminishes with the increase in the hydrocarbon molecular weight and is less than 5% for $C_{18}H_{38}$. This paper also indicates the foreign system can normalize peak intensities to any selected species. Nuclide in PUB 1374-0973 states its data system will plot or print mass spectra as raw data, spectra normalized to the most abundant species = 100, or spectra intensities normalized to any operator selected species. Neither system guarantees a minimum ion intensity figure. We find it significant in this regard that the applicant's RFB specified no minimum ion intensity requirement.

In its resubmission the applicant discussed four additional areas in which alleged inadequacies of the Nuclide instrument made it unsuitable for the applicant's research purposes. These related to (1) high resolution multiple ion detection, (2) low resolution mode, (3) scan speed and (4) foreground/background capabilities.

In regard to these, NBS advised:

"1. The Nuclide bid and letter of February 9, 1978, specifically addressed the issue of high resolution multiple ion detection. That particular method of achieving the requirements is not essential to the proposed research. Thus, retuning an instrument after each cycle may in fact not be as useful as having more inherently stable power supplies.

2. In the Nuclide document cited by the applicant (Pub. 1473-1074), the statement is made "Nominal mass—ordinarily integrated mass, but conceivably also mass to the nearest half-mass or tenth of an amu * * *" Nuclide points out in the discussion in this document that to assign masses more accurately than this in the low resolution mode is pointless; and we believe this to be correct. Nuclide also states that the high resolution data system may be used.

3. Nuclide guaranteed the scan speed *at the resolution* specified by the applicant. No specifications for sensitivity are given by the applicant for the proposed research.

4. The Nuclide document covering the data system clearly explains that the system has the capability to simultaneously collect and process data."

These points are further discussed below.

High Resolution Multiple Ion Detection

We note that in PUBS 1621-0476 Nuclide discusses its data system mass measurement capabilities as obtained on an existing double focusing mass spectrometer. It points out that it can do multi-mass monitoring (e.g., MSID, MID

or peak stepping) either by its "hard wired" MMM–1 (MMM–2 is also available; PUBS 1368–0873) or by its automation systems mode (DACS 1.2) software. Nuclide also addressed the issue of high resolution MID in its PUB 1473–1074, where it states that its data system software offers mass measurement to ±5 ppm on the average at exponential scans up to 10 sec/mass decade. We agree with NBS that retuning after each cycle is simply an alternative way (almost a design feature) to achieve high resolution MID requirements. In any event, the applicant has not demonstrated that retuning after each cycle is essential to completion of any of its research and that the same results cannot be achieved through high resolution MID techniques possible with the Nuclide instrument.

Low Resolution Mode

With respect to the applicant's comments on low resolution capabilities of the respective instruments, we note that the applicant's RFB did not specify the need for calculation of mass to the nearest 0.01 Dalton in the low or high resolution mode. The Nuclide reply to the RFB took no exceptions and offered to match the low resolution requirements of the requested system. Nuclide's PUBS 1131–REV–0371 states that its data system for low and medium resolution (DA–CS1) offers mass calculations to 0.25 amu (Nuclide defines "low" resolving power as at 100–1000 resolutions; PUBS 1473–1074). We agree with Nuclide and NBS that more accurate assignments in the low resolution mode are pointless, particularly in view of the availability of high resolution analysis of any given research problem (Nuclide's instrument guarantees resolving powers up to 30,000). Significantly, the applicant offered no convincing examples related to its research in which more accurate low resolution readings would not be pointless.

Scan Speed

Nuclide bid the scan speed in the applicant's RFB (m/z 500 to 25 with 1.5 second cycle times). The applicant now complains that Nuclide did not specify a mass assignment accuracy for these fast scans. The 10 kHz response of Nuclide's amplifiers, the applicant claims, in comparison with the 30 kHz amplifiers of the foreign article, makes it certain that "significant peak distortion is occurring, greatly limiting the practical utility of these scans." The RFB did not specify a need for 30 kHz amplifiers. Had it done so, Nuclide could easily have offered them, or even 50 kHz amplifiers (Nuclide letter to the Department dated February 4, 1970; ref. Docket No. 69–00541).

With respect to the applicant's contention that Nuclide can achieve high scan speed only by reducing acceleration voltage (thus lowering the instrument's sensitivity and resolution), we note that the RFB specified no required sensitivity or resolution at these speeds. In its bid Nuclide guaranteed scan speed, mass measurement accuracy and resolution to the applicant's specifications.

Foreground/Background Capabilities

The applicant now states that what it is interested in "is the ability to simultaneously acquire, process and output data as three independent tasks. The statement that the Nuclide System has foreground/background capabilities with no elaboration does not assure that even simultaneous acquisition/processing is possible."

Nuclide took no exceptions from the applicant's RFB, which specified a data system capable of simultaneous data acquisition and processing. Nuclide's publications (PUBS 1614–0276 DS and PUBS 1614–0278 DS) document this capability. The 12–90–G (DF) is fully computer compatible with provision for external control and is available with a 32K core memory data system with extensive software program (background subtraction real time, foreground/background, metastable and collision activation studies, etc.). In its letter to the applicant of February 8, 1978, Nuclide stated its belief that the system it was offering would meet all of the applicant's requirements and asked for the opportunity "to insure that nothing is omitted." In its formal bid of February 23, Nuclide emphasized the difficulty of "breaking down" its system to obtain a 1:1 match with the system of another manufacturer (the applicant issued its RFB on the basis of the foreign article's published specifications) and included an extensive list of options to ensure the full responsiveness of its bid. We conclude, therefore, that any deficiencies in elaboration of the Nuclide instrument now perceived by the applicant cannot legitimately be attributed to Nuclide.

Additional Observations

The record offers reasonable grounds for concluding that the applicant's decision to purchase the foreign article was based at least partly on considerations unrelated to an impartial comparison of the guaranteed specifications of the two systems.

In issuing its RFB, for instance, the applicant included the following provision:

> "The user cannot take the time or develop the expertise to work with equipment which has not already had successful use in the field. Therefore any system quoted must have demonstrated the required features and components in at least one actual field installation, and the vendor must be able to document this existing performance to the user's satisfaction."

After receipt of the bids, the applicant's purchasing department wrote that it would be necessary either to persuade the foreign manufacturer "to modify their payment schedule to comply with State Terms and Conditions, or *to decide that the Nuclide proposal will work* and waive the requirement of a prior successful field installation" (emphasis added). Like the applicant's stated reservations about servicing and maintenance of the Nuclide system, prior conditions designed to reduce the purchaser's risk, such as requiring previous operation in the field, are essentially matters of cost and convenience and inadmissible to the determination of scientific equivalency required by law. While such factors reasonably influence an institution's purchasing decisions, they may not be made the basis for duty-free entry. The statute we administer amounts to a statement that if an institution makes purchasing decisions on the basis of cost, convenience or any other consideration extraneous to the guaranteed performance capabilities of the respective instruments for the institution's scientific program, the institution must also be prepared to factor in payment of the applicable duties if it selects the foreign instrument.

Conclusion

On the basis of the foregoing discussion, the Department of Commerce finds that there is satisfactory evidence that Nuclide was able and willing to produce and have available an instrument scientifically equivalent to the foreign article for the applicant's intended uses.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82–12359 Filed 5–5–82; 8:45 am]

BILLING CODE 3510–25–M

COMMODITY FUTURES TRADING COMMISSION

Privacy Act of 1974; New Systems Notice

On April 14, 1982, the Commodity Futures Trading Commission ("Commission") submitted a New System Report on CFTC–12[1] and CFTC–20[2] to the Vice President of the United States, the Speaker of the House of Representatives, and the Office of Management and Budget. CFTC–12 and CFTC–20 are two of the systems of records into which certain Commission records have been classified following the directives of the Privacy Act of 1974.[3] These two systems contain registration Forms 7–R and 8–R and related supplements and schedules that have filed with the Commission, either by registrants or by individuals affiliated in certain capacities with futures commission merchants, commodity trading advisors, and commodity pool operators.

Consistent with the Commission's revision of its registration regulations (45 FR 80485 (December 5, 1980) and 46 FR 24940 (May 4, 1981)) and as described in the Commission's New System Report, the Commission has altered these systems of records so that they will now include completed fingerprint cards, and, where appropriate, new Form 8–S and 8–T. It has also altered these systems to include information relating to persons who may apply for registration or be affiliated with a registrant as a principal. In addition, the Commission is putting into affect a new routine use [4] for those systems of records which would permit disclosures by the Commission of information the Commission may receive in the course of its processing of applications for registration of associated persons.

CFTC–12

SYSTEM NAME:

Fitness Investigations—CFTC.

SYSTEM LOCATION:

These records are located in the Division of Trading and Markets in the Commission's principal offices at 2033 K Street, NW., Washington, D.C. 20581. Limited records are located in the Chicago regional office, 233 South Wacker Drive, 46th Floor, Chicago, Illinois 60606.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have applied or who may apply to the Commission for registration as an associated person or as floor broker, principals (as defined in 17 CFR 3.1) of futures commission merchants, commodity trading advisors and commodity pool operators.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains various information pertaining to the fitness of the above-described individuals to engage in business subject to the Commission's jurisdiction. The system includes copies of applications for registration (Forms 7–R) and biographical supplements (Form 8–R) as well as fingerprint cards. It also includes correspondence, reports and memoranda reflecting information developed from various sources outside the agency. In addition, the system contains records of each CFTC fitness investigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 4n(6) and 8a(2)(B) of the Commodity Exchange Act, 7 U.S.C. 6n(6) and 12a(2)(B).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The routine uses applicable to this system of records are the routine uses applicable to all of the Commission's systems of records and were set forth most recently, under the caption "General Statement of Routine Uses," in 46 FR 45980, 45981 (September 16, 1981), the Commission's annual publication of the existence and character of each system of records that contains information about individuals. In addition, information contained in this system of records may be disclosed in connection with the certification by a futures commission merchant of an application for registration of an associated person.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in files folders and computer tapes.

RETRIEVABILITY:

By the name of the firm or individual.

SAFEGUARDS:

Records are maintained in locked cabinets.

RETENTION AND DISPOSAL:

Applications for registration (Forms 7–R and 8–R) and biographical supplements (Form 8–R), related documents and correspondence are maintained on the premises for three years after the individual's registration, or that of the firm with which the individual is affiliated as a principal, becomes inactive. Records are then held in the Federal Records Center for seven years before being destroyed. Computer records are maintained permanently on the premises and updated periodically as along as the individual remains registered or affiliated with a registrant as a principal. Computer records on persons who may apply may be maintained indefinitely. Computer printouts are maintained on the premises for six months and then destroyed. Microfiche records are maintained permanently on the premises.

SYSTEM MANAGER(S) AND ADDRESS:

The Assistant Director for Registration, Division of Trading and Markets, in the Commission's principal office and the Chief, Registration Branch, Central Region, Division of Trading and Markets, Commodity Futures Trading Commission, 233 South Wacker Drive, 46th Floor, Chicago, Illinois 60606. Addresses of CFTC offices are set forth in the Commission's annual publication of the existence and character of each system of records that contains information about individuals, under the caption, "The Location of Systems of Records." *See* 46 FR 45980 (September 16, 1981).

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts Compliance Staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254–3382.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves in this system of records should address their inquires to the FOI, Privacy and Sunshine Acts Compliance Staff at the address listed in the notification section above.

CONTESTING RECORD PROCEDURES:

Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the FOI, Privacy and

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[1] Fitness Investigations—FTC.

[2] Registration of Futures Commission Merchants, Floor Brokers, Associated Persons, Commodity Trading Advisors and Commodity Pool Operators—CFTC.

[3] 5 U.S.C. 552a.

[4] The Commission's proposal for adding this new routine use appeared in the Federal Register on December 5, 1980. 45 FR 80573.

Sunshine Acts Compliance Staff at the address listed in the notification section above.

RECORD SOURCE CATEGORIES:

The individual on whom the record is maintained, his employer, federal, state, and local regulatory and law enforcement agencies, commodity and securities exchanges, National Futures Association, National Association of Securities Dealers, and other miscellaneous sources.

CFTC-20

SYSTEM NAME:

Registration of Futures Commission Merchants, Floor Brokers, Associated Persons, Commodity Trading Advisors and Commodity Pool Operators—CFTC.

SYSTEM LOCATION:

The primary files are maintained in the Chicago office. All CFTC offices have summary information in the form of microfiche records. Addresses and telephone numbers of these offices are set forth in the Commission's annual publication of the existence and character of system of records that contains information on individuals, under the caption "The Location of Systems of Records." 46 FR 45980 (September 16, 1981).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have applied to the Commission for registration as an associated person or as a floor broker and principals (as defined in 17 CFR 3.1) of futures commission merchants, commodity trading advisors and commodity pool operators.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains information pertaining to the fitness of the above-described individuals to engage in business subject to the Commission's jurisdiction. The system includes applications for registration (Forms 7–R, 8–R and 8–S) and biographical supplements (Form 8–R), schedules and supplementary attachments to those Forms, fingerprint cards, and Notices of Termination (Form 8–T). The system also includes correspondence relating to registration between the Commission and the applicant, registrant or principal as well as reports reflecting information developed from various sources outside the agency. A computerized system, consisting primarily of information taken from the registration forms, is maintained by the Chicago office. For example, the computer records include the name, date and place of birth, social security number (optional), exchange membership (floor brokers only), firm affiliation, and the residence or business address, or both, of each associated person, floor broker, and principal. In addition, the computer records include information relating to name, trade name, principal office address, records address, names of principals, branch office managers and agents of futures commission merchants as well as names of advisory services for commodity trading advisors and names of pools for commodity pool operators.

Monthly microfiche records list the name, business address, and exchange membership affiliation of all registered floor brokers and the name and firm affiliation of all associated persons and principals. These microfiche records as well as non-confidential portions of applications for registration and biographical supplements are considered to be public records and are available to any person for inspection and copying. In addition, certain auxiliary records, such as card indices, are maintained which summarize information contained in the system regarding each associated person, floor broker and principal.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 4f(1), 4k(2), 4n(1), 8a(1) and 8a(2) of the Commodity Exchange Act, 7 U.S.C. 6f(1), 6k(2), 6n(1), 12a(1) and 12a(2).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The routine uses applicable to all of the Commission's system of records were set forth most recently under the caption, "General Statement of Routine Uses," in 46 FR 45980, 45981 (September 16, 1981), the Commission's annual publication of the existence and character of each system of records that contains information on individuals. In addition, information contained in this system of records may be disclosed in connection with the certification by a futures commission merchant of an application for registration of an associated person.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in a computer memory and in manual form in file folders, on computer printouts, index cards and microfiche records.

RETRIEVABILITY:

By the name of the individual or firm. Where applicable, the computer cross-indexes the individual's primary registration file to the name of the futures commission merchant, commodity trading advisor or commodity pool operator with whom the individual is associated or affiliated.

SAFEGUARDS:

Protection of non-public records is afforded by general office security measures. Records are located in secured rooms or on secured premises with access limited to those whose official duties require access. In appropriate cases, the records are maintained in lockable file cabinets.

RETENTION AND DISPOSAL:

Applications for registration (Forms 7–R, 8–R and 8–S) and biographical supplements (Form 8–R), related documents and correspondence are maintained on the premises for three years after the individual's registration, or that of the firm with which the individual is affiliated as a principal, becomes inactive. Records are then held in the Federal Records Center for seven years before being destroyed. The computer records are maintained premanently on the premises and updated periodically as long as the individual remains registered or affiliated with a registrant as a principal. Computer printouts are maintained on the premises for six months and then destroyed. Microfiche records are maintained permanently on the premises.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Registration Branch, Central Region, Division of Trading and Markets, Commodity Futures Trading Commission, 233 South Wacker Drive, 46th Floor, Chicago, Illinois 60606.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FOI, Privacy or Sunshine Acts Compliance Staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254–3382.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves in this system of records should address their inquiries to the FOI, Privacy and Sunshine Acts Compliance Staff at the address listed in the notification section above.

CONTESTING RECORD PROCEDURES:

Individuals contesting the content of records about themselves contained in

this system of records should address their inquiries to the FOI, Privacy and Sunshine Acts Compliance Staff at the address listed in the notification section above.

RECORD SOURCE CATEGORIES:

The individual on whom the file is maintained, his employer, the commodity and securities exchanges, other government agencies, self-regulatory orgainzations and persons with relevant knowledge about the individual. The computer record is prepared from the application or biographical supplement and from information developed during the fitness inquiry.

Issued in Washington, D.C. on April 30, 1982 by the Commission.

Jean A Webb,

Deputy Secretary of the Commission.

[FR Doc. 82-12289 Filed 5-5-82; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

Requirement for Foreign Currency Arrangement; Service Sought

The U.S. Air Force has a continuing requirement for a foreign currency arrangement to fulfill agreements for European coproduction of the F-16 aircraft. The agreement with the current operator expires August 31, 1982, and there is a requirement to execute a new agreement for a three-year period commencing September 1, 1982.

The agreement involves the countries of Belgium, Denmark, the Netherlands, and Norway, and currencies involved in the arrangement will be the respective currencies of these four countries and U.S. dollars. Central management and accounting will be in Brussels, Belgium; however, one account will be established for each foreign currency and maintained in the respective country. The foreign currency accounts will be used to accept deposits from the European governments and contractors and the U.S. Government, to make disbursements to U.S. contractors for their payment of European subcontractors and vendors, and to make currency exchange for European contractors. A qualified financial institution will have:

a. Correspondent relationships to permit cable transactions among Belgium, Denmark, the Netherlands, Norway, and the U.S.;

b. Capability for timely transfer of U.S. dollars from Europe to financial institutions in the U.S.;

c. Capability to promptly record and confirm foreign currency deposits; and

d. Capability of centrally accounting and providing magnetic tapes of all transactions.

Interested financial institutions may obtain additional information, including specifications and requirements for maintaining the accounts, projected deposits, and procedures for submitting bid proposals by contacting Mr. James B. Sandidge, Assistant for Banking and Contract Financing (SAF/FMB), Department of the Air Force, telephone: (202) 697-2657, not later than May 15, 1982.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 82-12483 Filed 5-5-82; 8:45 am]

BILLING CODE 3910-01-M

Department of the Navy

Board of Advisors to the President, Naval War College; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Board of Advisors to the President, Naval War College, will meet on June 10, 1982, in room 210, Conolly Hall, Newport, Rhode Island. The meeting will commence at 8:30 a.m. and terminate at 4:30 p.m. The purpose of the meeting is to elicit the advice of the board on education, doctrinal, and research policies and programs of the Naval War College. For further information concerning this meeting, contact: Miss Elizabeth Crosby, Executive Assistant to the Dean of Academics, Naval War College, Newport, Rhode Island 02840, Telephone number (401) 841-2245.

Dated: April 29, 1982.

F. N. Ottie,

Lieutenant Commander, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 82-12313 Filed 5-5-82; 8:45 am]

BILLING CODE 3810-AE-M

Navy Resale System Advisory Committee; Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Navy Resale System Advisory Committee will meet on May 24, 1982, at the Four Seasons Clift Hotel, 495 Geary Street, San Francisco, California. The meeting will consist of two sessions; the first from 8:00 a.m. to 8:45 a.m., the second from 9:00 a.m. until 12:30 p.m. Topics to be discussed at the meeting will include organization of the Navy Resale System, planning, financial management merchandising, field support, and industrial relations.

The Secretary of the Navy has determined in writing that the public interest requires that the second session of the meeting, which will involve discussion of matters relating solely either to internal agency personnel rules and practices, or to trade secrets and confidential commercial or financial information, be closed to the public. These matters fall within the exemptions listed in subsections 552b(c)(2) and (c)(4) of title 5, United States Code. The first session of the meeting, which will involve other, nonprivileged matters relating to the Navy Resale System, will be open to the public.

For further information concerning this meeting, contact: Captain J. R. Akers, SC, U.S. Navy, Naval Supply Systems Command, NAVSUP 09B, Washington, D.C. 20376, Telephone number (202) 695-5457.

Dated: April 30, 1982.

F. N. Ottie,

Lieutenant Commander, JAGC, U.S. Navy, Alternate Federal Register, Liaison Officer.

[FR Doc. 82-12314 Filed 5-5-82; 8:45 am]

BILLING CODE 3810-AE-M

Office of the Secretary

Defense Science Board Task Force on International Industry-to-Industry Armaments Cooperation; Advisory Committee Meeting

The Defense Science Board Task Force on International Industry-to-Industry Armaments Cooperation will meet in closed session on June 3-4, 1982 in Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

At its meeting on June 3-4, 1982 the Defense Science Board Task Force on International Industry-to-Industry Armaments Cooperation will review the Defense Department's policies, plans and procedures which impede or might impede international arms cooperation and thereby have the potential for adversely impacting the collective security of the United States, its friends and Allies. In this context, the Task Force will also analyze the effect current international cooperation policies have on the utility of the U.S. its friends and Allies to achieve in good order and sustain mobilization capacities.

In accordance with Title 5, U.S.C. App. 1 10(d) (1976), it has been

determined that this Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1)(1976), and that accordingly, this meeting will be closed to the public.

Dated: May 3, 1982.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 82-12362 Filed 5-5-82; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[Docket No. ERA-FC-82-013; OFC Case Number 50552-6292-34-22]

Powerplant and Industrial Fuel Uses; Chugach Electric Association, Inc.

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of acceptance of petition for exemption by Chugach Electric Association, Inc. and availability of certifications.

SUMMARY: On April 5, 1982, Chugach Electric Association, Inc. (Chugach) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) seeking a permanent reliability of service exemption for a powerplant from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 *et seq.*) (FUA or the Act). Title II of FUA prohibits the use of petroleum and natural gas as a primary energy source in any new powerplant and the construction of any new powerplant without the capability to use coal or any other alternate fuel as a primary energy source. Final rules setting forth criteria and procedures for petitioning for exemptions from the prohibitions of Title II of FUA are published in the Federal Register at 46 FR 59872 (December 7, 1981). The eligibility and evidentiary requirements for the reliability of service exemption are contained in 10 CFR 503.40 of the final rules.

Chugach requests a permanent reliability of service exemption in order to burn natural gas or petroleum in a new package 26.6 MW gas turbine unit, identified as Unit No. 4, to be operated at Chugach's Bernice Lake powerplant located near Kenai, Alaska. A review of the petition is provided in the SUPPLEMENTARY INFORMATION section below.

As provided for in section 701 (c) and (d) of FUA and 10 CFR 501.31(a) and 501.33(a), interested persons are invited to submit written comments in regard to this petition and any interested person may submit a written request that ERA convene a public hearing.

The public file containing the petition as well as other documents and supporting materials on this proceeding is available at the Department of Energy Freedom of Information Reading Room, 1000 Independence Avenue, SW, Room 1E-190, Washington, D.C. 20585, telephone (202) 252-6020. ERA will issue a final order granting or denying the petition for exemption from the prohibitions of the Act within six months after the end of the period of public comment and hearing, unless ERA extends such period. Notice of any such extension, together with a statement of reasons therefor, would be published in the Federal Register.

DATES: Written comments or a request for public hearing on Chugach's petition for exemption are due on or before June 21, 1982.

ADDRESSES: Fifteen copies of written comments or a request for a public hearing shall be submitted to: Case Control Unit, Fuels Conversion Division, Forrestal Building, Room GA-093, 1000 Independence Avenue, SW, Washington, D.C. 20585.

Docket Number ERA-FC-82-013 should be printed on the outside of the envelope and on the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Edward J. Peters, Jr., Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA-073G, 1000 Independence Avenue, SW, Washington, D.C. 20585, Phone (202) 252-8162

Allan Stein, Esq., Office of General Counsel, Department of Energy, Forrestal Building, Room 6B-178, 1000 Independence Avenue, SW, Washington, D.C. 20585, Phone (202) 252-2967

Jack Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, Federal Building, Room 7120, 12th & Pennsylvania Avenue, NW, Washington, D.C. 20561, Phone (202) 633-8108

SUPPLEMENTARY INFORMATION: The powerplant for which the petition for exemption has been filed is a new 26.6 MW natural gas/No. 2 fuel oil fired package combustion turbine unit to be operated at Chugach's Bernice Lake powerplant, located in the vicinity of Kenai, Alaska. The new powerplant, identified as Unit No. 4 by Chugach, has a design heat input rate of approximately 12,200 Btu's per KWH (full load heat rate). The boiler will burn natural gas with No. 2 fuel oil used during gas curtailment.

Chugach submitted certifications described below relating to the eligibility and evidentiary requirements for the permanent exemption for powerplants necessary to maintain reliability of service provided for in 10 CFR 503.40(a). Included in the petition is a description of the powerplant's remote location and the grid which it serves. A map and schematic of the grid were furnished to demonstrate that no alternative power supply is available within a reasonable distance and at a reasonable cost without impairing short-term or long-term reliability of service. The results of a study showing an impairment of reliability of service on Kenai Peninsula without the generating capacity of Unit No. 4 were also included in the petition.

Pursuant to 10 CFR 503.40, Chugach filed the following certifications, together with exhibits containing the basis therefor:

1. Despite a diligent effort to purchase a firm alternative power supply to cover all or a part of the projected power shortfall, the reserve margin in the petitioner's service area in the absence of Unit No. 4 would fall below twenty (20) percent during the first year of proposed operation.

2. The use of a mixture of natural gas or petroleum and an alternate fuel for which a fuels mixture exemption would be available under 10 CFR 503.38 would not be economically or technically feasible for the proposed unit.

3. The petitioner is not able to construct an alternate fuel burning unit in time to prevent impairment of reliability of service; despite diligent, good faith efforts the petitioner is not able to make the demonstration necessary to obtain a permanent exemption for lack of alternate fuel supply, site limitations, environmental requirements, inadequate capital, or State and local requirements in time to prevent an impariment of reliability of service.

With respect to National Environmental Policy Act of 1969 (NEPA) compliance, Chugach included in its petition a Finding of No Significant Impact and Environmental Assessment issued by the Rural Electrification Administration of the U.S. Department of Agriculture on December 22, 1981 (47 FR 86 (January 4, 1982)), relating to the same project which is the subject of this petition.

Pursuant to 10 CFR 503.40(c)(3) and 503.13, Chugach also submitted an environmental checklist and certification, indicating that, prior to operating this unit under the requested exemption, it will secure all applicable

environmental permits and approvals pursuant to, but not limited to, the Clean Air Act, the Clean Water Act, the Rivers and Habors Act, the Coastal Zone Management Act, the Safe Drinking Water Act, and the Resource Conservation and Recovery Act. Prior to issuance of a final order, granting or denying the exemption requested by Chugach, ERA will meet the environmental review requirements of section 102 of NEPA.

Pursuant to 10 CFR 501.3, ERA hereby accepts Chugach's petition for a permanent reliability of service exemption for combustion turbine Unit No. 4. The acceptance of the petition by ERA does not constitute a determination that Chugach is entitled to the exemption requested. That determination will be based on the entire record of this proceeding, including any comments received during the public comment period provide for in this notice.

Issued in Washington, D.C. on April 29, 1982.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 82-12318 Filed 5-5-82; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-82-002; OFC Case No. 67040-9216-01-24]

Powerplant and Industrial Fuel Use Act; Issuance of Final Order to Turbo-Resources

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Issuance of Final Order to Turbo-Resources Pursuant to the Powerplant and Industrial Fuel Use Act.

SUMMARY: On January 19, 1982, Turbo-Resources filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE), pursuant to § 503.37 of ERA's final rules governing the cogeneration exemptions (46 FR 59914, December 7, 1981), seeking a permanent cogeneraton exemption for the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act), which prohibit the use of petroleum or natural gas in new powerplants and the construction of new powerplants without alternate fuel burning capability.

Turbo-Resources proposes to install a 48 megawatt refinery fuel gas or natural gas fired (with fuel oil backup) cogeneration powerplant to produce electricity and steam at Tosco Corporation's Bakersfield, California, refinery.

Pursuant to section 212(c) of the Act, and § 503.37 of ERA's final rule, ERA hereby grants a permanent cogeneration exemption to Turbo-Resources to permit the use of natural gas or petroleum in the cogeneration facility.

FOR FURTHER INFORMATION CONTACT:

Ellen Russell, Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue, SW., Forrestal Building, Room GA-093, Washington, D.C. 20585, (202) 252-2201.

Henry Garson, Office of the General Counsel, Department of Energy, 1000 Independence Avenue, SW., Forrestal Building, Room 6B-178, Washington, D.C. 20585, (202) 252-2967.

Jack Vandenburg, Office of Public Information, Department of Energy, 12th and Pennsylvania Avenue, Room 7120, Washington, D.C. 20461, (202) 633-8755.

The public file containing a copy of this final order and other documents and supporting materials on this proceeding are available upon request from DOE, Freedom of Information Reading Room, 1000 Independence Avenue, SW., Room 1E-190, Washington, D.C. 20585, Monday through Friday, 8:00 a.m.—4:00 p.m., Telephone (202) 252-6020.

SUPPLEMENTARY INFORMATION: In accordance with the procedural requirements of FUA and ERA's regulations, ERA published a Notice of Acceptance and Availablility of Certificaton in the **Federal Register** on February 9, 1982 (47 FR 5931). The notice of acceptance commenced a 45-day public comment period during which interested persons could submit comments on the petition for exemption and could request that a public hearing be convened. This period expired on March 26, 1982. No comments were received nor was a public hearing requested.

ERA's staff reviewed the information contained in the record of this proceeding, including added information supplied by Turbo-Resources on April 9, 1982, and has determined that the grant of the requested cogeneration exemption does not constitute a major Federal action significantly affecting the quality of the human environment within the mearning of section 102(2)C) of the National Environmental Policy Act (NEPA). In accordance with section 212 of FUA, ERA has also determined that Turbo-Resources has satisfied the eligibility requirements of 10 CFR 503.37(a)(1) of the final rule by certifying that the oil or gas to be consumed by the cogeneration facility will be less than that which would otherwise be consumed in the absence of the cogeneration facility, and that the use of mixtures is not feasible. Accordingly, ERA hereby grants Turbo-Resource's petition for a permanent cogeneration exemption for the facility to be installed at Tosco Corporation's Bakersfield, California, refinery. The exemption granted by this order shall become effective July 5, 1982.

Pursuant to section 702(c) of the Act, any person aggrieved by this order may at any time on or before the effective date of this order, petition for judicial review thereof.

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

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 82-12319 Filed 5-5-82; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

Agency Forms Under Review by the Office of Management and Budget (OMB)

May 6, 1982.

Agency Contact: John Gross, 202-633-9464, M.S. 7413, Federal Building, 12th and PA Ave., NW., Washington, D.C. 20461.

Effective May 6, 1982, Department of Energy (DOE) notices of collections under review will be published in the **Federal Register** on the Thursday of the week following their submission to OMB.

OMB has received for review the following DOE proposal(s) for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Each entry contains the following information: (1) Type of request, e.g., new, revision, or extension; (2) The DOE office sponsoring the collection; (3) The title of the collection; (4) The Agency form number, if applicable; (5) How often the collection must be completed; (6) Whether response will be mandatory, voluntary, or required to obtain or retain benefit; (7) Who will be required or asked to report; (8) An estimate of the number of respondents; (9) An estimate of the total or annual number of hours needed to fill out the forms; (10) An indication of whether section 3504(h) of Pub. L. 96-511 applies; (11) A brief abstract describing the collection; (12) The name, telephone number, and address of the OMB reviewer responsible for OMB review; and (13) The date the collection was submitted to OMB for review.

(1) New.

(2) Fossil Energy.
(3) Enhanced Oil Recovery Annual Report.
(4) FE–748.
(5) Annually.
(6) Voluntary.
(7) Oil and gas producers certified to conduct tests in enhanced oil recovery.
(8) 423 respondents.
(9) 3,384 hours.
(10) Form not applicable under 3504(h) of Pub. L. 96–511.
(11) The data collected on the FE–748 will be used to conduct preliminary technical and economic screening and for tracking the progress of enhanced oil recovery projects. The technical and economic information will be disseminated to oil producers and the general public. Collection is expected to begin in June of 1982.
(12) Jefferson B. Hill, 202–395–3785, 726 Jackson Place, NW., Washington, D.C. 20503.
(13) April 30, 1982.

Copies of proposed collections and supporting documents may be obtained from Mr. Gross. Comments and questions about the items on this list should be directed to the OMB reviewer; comments should also be provided Mr. Gross. If you anticipate commenting on a form, but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB reviewer of your intent as early as possible.

Issued in Washington, D.C., April 30, 1982.

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

[FR Doc. 82–12290 Filed 5–5–82; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

Mobil Eugene Island Pipeline Co.; Oil Pipeline Tentative Valuation

The Federal Energy Regulatory Commission by order issued February 10, 1978, established an Oil Pipeline Board and delegated to the Board its functions with respect to the issuance of valuation reports pursuant to Section 19a of the Interstate Commerce Act.

Notice is hereby given that a tentative valuation is under consideration for the common carrier by pipeline listed below:

1978, 1979, 1980 Consolidated Report (April 30, 1982).

Valuation Docket No. PV—1448–000. Mobil Eugene Island Pipeline Company, 1201 Elm Street, P.O. Box 900, Dallas, Texas 75221.

On or before June 3, 1982, persons other than those specifically designated in Section 19a(h) of the Interstate Commerce Act having an interest in this valuation may file, pursuant to rule 70 of the Interstate Commerce Commission's "General Rules of Practice" (49 CFR 1100.70), an original and three copies of a petition for leave to intervene in this proceeding.

If the petition for leave to intervene is granted, the party may thus come within the category of "additional parties as the FERC may prescribe" under Section 19a(h) of the Act, thereby enabling it to file a protest. The petition to intervene must be served on the company at its address shown above and an appropriate certificate of service must be attached to the petition. Persons specifically designated in Section 19a(h) of the Act need not file a petition; they are entitled to file a protest as a matter of right under the statute.

Francis J. Connor,

Administrative Officer, Oil Pipeline Board.

[FR Doc. 82–12361 Filed 5–5–82; 8:45 am]

BILLING CODE 6717–01–M

Office of Hearings and Appeals

Objection to Proposed Remedial Orders; Period of March 15 through March 26, 1982

During the period of March 15 through March 26, 1982 the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 on or before May 26, 1982. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Richard W. Dugan,

Acting Director, Office of Hearings and Appeals.

April 30, 1982.

Barkett Oil Co., Miami, Fla., HRO–0033

On March 23, 1982, Barkett Oil Company, Miami, Florida filed a Notice of Objection to a Proposed Remedial Order which the DOE Southeast District Office of Enforcement issued to the firm on February 23, 1982.

In the PRO the Southeast District found that during January 1, 1980 to March 31, 1980, Barkett, a reseller-retailer, sold motor gasoline at prices in excess of those permitted under 10 CFR 212.93.

According to the PRO the Barkett violation resulted in $783,793.18 of overcharges.

Lawrence Oil Co., Miami, Fla., HRO–0034

On March 23, 1982, Lawrence Oil Company, Miami, Florida filed a Notice of Objection to a Proposed Remedial Order which the DOE Southeast District Office of Enforcement issued to the firm on February 23, 1982.

In the PRO the Southeast District found that during January 1, 1980 to March 31, 1980, Lawrence, a reseller-retailer, sold motor gasoline at prices in excess of those permitted under 10 CFR 212.93.

According to the PRO the Lawrence violation resulted in $361,828.06 of overcharges.

[FR Doc. 82–12320 Filed 5–5–82; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[AD–FRL–2117–7]

Control Techniques Guideline Document: Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins

AGENCY: Environmental Protection Agency (EPA).

ACTION: Release of draft control techniques guidelines (CTG) document.

SUMMARY: A draft CTG document for control of volatile organic compound (VOC) emissions from the manufacture of high-density polyethylene, polypropylene, and polystyrene resins is available. The draft CTG has been prepared to assist the States in determining reasonably available control technology (RACT) for VOC emissions from the manufacture of high-density polyethylene, polypropylene, and polystrene resins.

DATES: Comments should be submitted (in duplicate if possible) to the Chemicals and Petroleum Branch (MD–13), Emission Standards and Engineering Division, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attention: Jack R. Farmer on or before June 21, 1982. Comments will be available for public inspection and copying between 8:30 a.m. and 4:30 p.m. Monday through Friday, at the Chemicals and Petroleum Branch, Room 730, U.S. Environmental

Protection Agency, 411 West Chapel Hill Street, Durham, North Carolina.

CONTROL TECHNIQUES GUIDELINE DOCUMENTS: Copies of the draft CTG may be obtained by contacting Ms. Phyllis Clark, Chemicals and Petroleum Branch (MD–13), Emission Standards and Engineering Division, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, (919) 541–5671.

FOR FURTHER INFORMATION CONTACT: Mr. James Berry, Chemicals and Petroleum Branch (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, (919) 541–5605.

SUPPLEMENTARY INFORMATION: CTG documents are informational in nature and provide State and local air pollution control agencies with an initial information base for proceeding with their own analysis of RACT for specific stationary source categories of VOC emissions located within areas where an extension was granted to the attainment of the national ambient air quality standard for ozone. The CTG documents review existing information and data concerning the technology and cost of various control techniques to reduce VOC emissions.

This CTG is not a "rule" as defined by the Administrative Procedure Act (5 U.S.C. 551 et seq.). It is a "rule" for purposes of Executive Order 12291, because it is designed to implement an EPA policy. Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore subject to the requirements of a regulatory impact analysis. This CTG is not a "major rule," because it does not impose any new requirements. The draft CTG document was submitted to the Office of Management and Budget (OMB) for review. Any comments from OMB to EPA and any EPA responses to those comments are available for public inspection and copying between 8:30 a.m. and 4:00 p.m., Monday through Friday, at the Chemicals and Petroleum Branch, Emission Standards and Engineering Division, Room 730, U.S. Environmental Protection Agency, 411 West Chapel Hill Street, Durham, North Carolina.

Dated: April 28, 1982.

Kathleen M. Bennett,

Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 82-12315 Filed 5-5-82; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Radio Technical Commission For Marine Services; Meetings

In accordance with Pub. L. 92–463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RTCM) meetings is as follows:

Executive Committee Meeting; Notice of May Meeting, Thursday, May 20, 1982—9:30 a.m., Conference Room 9230/9232, Nassif Building, 400 Seventh Street, SW., Washington, D.C.

Agenda

1. Administrative Matters.
2. Special/Ad Hoc Committee Reports.

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. All RTCM meetings are open to the public. Written statements are preferred, but by previous arrangement, oral presentations will be permitted within time and space limitations.

Those desiring additional information concerning the above meeting(s) may contact either the designated chairman or the RTCM Secretariat (phone: (202) 632–6490).

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 82-12317 Filed 5-5-82; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Forms Submitted to the Office of Management and Budget for Clearance

The Federal Emergency Management Agency (FEMA) has submitted to the Office of Management and Budget the following information collection package for clearance in accordance with the Paperwork Reduction Act (44 CFR Chapter 35).

Subject: Public perceptions of civil defense.

Respondents: Individuals and households.

Size of Sample: 1,200 every two months.

Authority: Federal Civil Defense Act of 1950, as amended. Information is required on public perception of the civil defense program and the need for it, and on the credibility and acceptability of program elements that depend for success on public acceptance and cooperation. Information obtained will be used to help plan for the civil defense program.

OMB Desk Officer. Robert Veeder, (202) 395–4814.

Copies of the above information collection clearance package can be obtained by calling or writing the FEMA Clearance Officer, Linda Shiley (202) 287–9906, Federal Plaza Center, 500 C Street, SW., Washington, D.C. 20472.

Written comments and recommendations for the proposed information collection packages should be sent both to Linda Shiley, FEMA Reports Clearance Officer, Federal Plaza Center, 500 C Street, SW., Washington, D.C. 20472, and to Robert Veeder, Desk Officer, OMB Reports Management Branch, Room 3206 New Executive Office Building, Washington, D.C. 20503.

Dated: April 27, 1982.

Charles M. Girard,

Associate Director.

[FR Doc. 82-12298 Filed 5-5-82; 8:45 am]

BILLING CODE 6718-02-M

FEDERAL MARITIME COMMISSION

Inactive Tariffs- -Bureau of Tariffs; Intent To Cancel

The domestic offshore files of the Federal Maritime Commission contain numerous tariffs which have been classified as inactive either due to the absence of any tariff changes for a period of one year or longer; because the Commission's staff has been unable to contact the tariff filers at the addresses shown on the tariffs; or, because the Commission's staff has been advised that the tariff filers no longer offer a common carrier service. The tariff publications of the following carriers, including their last known addresses, fall into the inactive tariff category:

Matthew P. Guasco, Executive Vice President, Continental Forwarders, Inc., 350 Broadway, New York, New York 10013; FMC–F No. 2

John Day, Vice President, Jax Pax, Inc., 2521 West Edgewood Avenue, Post Office Box 9257, Jacksonville, Florida 32208; FMC–F No. 4

Raymond L. Shunterman, Manager Rates and Tariffs, Kingpak, Inc., Post Office Box 19298, Wichita, Kansas 67218; FMC–F No. 3

F. C. Armentrout, Jr., Tariff Manager, Merchant International, Inc., 623 South Pickett Street, Alexandria, Virginia 23304; FMC–F No. 2

Victor Medina, President, Medina Shipping Co., Inc., 720 Broadway, Newark, New Jersey 07104; FMC–F No. 2

N. A. Michael O'Neal, Jr., Reliance Forwarding Corporation, 67 Kings

Highway, Maple Shade, New Jersey 08052; FMC–F No. 2

Ericilio Luna, President, San Lorenzo Express Corp., 2556 W. Fullerton Avenue, Chicago, Illinois 60647; FMC–F No. 5

Robert Weiss, President, World Wide Forwarding, Inc., 455 Lenox Square, Jacksonville, Florida 32205; FMC–F No. 1

Inactive tariffs reflect inaccurate information to the shipping public and serve no useful purpose in the Commission's files. In addition, 46 CFR 531.3(p)(2), requires the cancellation of inactive tariffs. Accordingly, the Commission proposes to cancel the above listed tariffs in the absence of a showing of good cause as to why they should not be cancelled.

Now, therefore it is ordered, that the above carriers advise the Director, Bureau of Tariffs at 1100 L Street, NW., Washington, D.C. 20573, in writing on or before June 7, 1982 of any reason why the Commission should not cancel inactive tariffs;

It is further ordered, that a copy of this Order be sent by registered mail to the last known address of the carriers listed herein;

It is further ordered, that the tariffs of all carriers named herein not responding to this Order will be cancelled.

It is further ordered, that this notice be published in the **Federal Register** and a copy thereof filed with any tariff cancelled pursuant to this notice.

By the Commission pursuant to authority delegated by section 9.04 to C.O. No. 1 (Revised) November 12, 1981.

Daniel J. Connors,

Director, Bureau of Tariffs.

[FR Doc. 82-12316 Filed 5-5-82; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

National Advisory Health Council; Notice of Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control announces the following Council meeting:

Name: National Advisory Health Council.

Date: May 21, 1982.

Place: Room 207, Centers for Disease Control, 1600 Clifton Road, N.E., Atlanta, Georgia 30333.

Time: 8:30 a.m. to 10:30 a.m.

Type of Meeting: Open.

Contact Person: J. Michael Lane, M.D., Acting Executive Secretary of Committee, Building 1, Room 3007, Centers for Disease Control, 1600 Clifton Road, N.E., Atlanta, Georgia 30333, telephones: FTS: 236–3771, Commercial: 404/329–3771.

Purpose: The Council consults with and advises the Secretary on matters relating to health activities and functions of the Public Health Service, including advice on national health policies, programs, and planning in marshalling the necessary efforts and resources to meet major problems and challenges.

Agenda: The Council will consider and recommend an updated list of those diseases that require patient isolation under Section 361 of the Public Health Service Act, i.e., the newly discovered and highly dangerous communicable diseases such as Lassa Fever, Marburg Disease, etc.

Agenda items are subject to change as priorities dictate.

The meeting is open to the public for observation and participation. A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: April 30, 1982.

William H. Foege,

Director, Centers for Disease Control.

[FR Doc. 82-12348 Filed 5-5-82; 8:45 am]

BILLING CODE 4160-18-M

Safety and Occupational Health Study Section; Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control announces the following National Institute for Occupational Safety and Health (NIOSH) committee meeting:

Name: Safety and Occupational Health Study Section

Date: June 15–16, 1982

Place: Conference Room G, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857

Time and Type of Meeting: Open—8:30 a.m. to 9:15 a.m.—June 15; Closed—9:15 a.m. to 5 p.m.—June 15; Closed—8:30 a.m. to 5 p.m.—June 16

Contact Person: Mark R. Green, Ph.D, Executive Secretary, 5600 Fishers Lane, Parklawn Building, Room 8–63, Rockville, Maryland 20857

Telephone: 301–443–4493

Purpose: The committee is charged with the initial review of research, training, demonstration, and fellowship grant applications for Federal assistance in program areas administered by the National Institute for Occupational Safety and Health, and with advising the Institute staff on training and research needs.

Agenda: Agenda items for the open portion of the meeting will include consideration of minutes of previous meeting and administrative reports. Beginning at 9:15 a.m., June 15, through June 16, 1982, the Study Section will be performing the initial review of research, demonstration and training grant applications for Federal assistance, and will not be open to the public, in accordance with the provisions set forth in Section 552b(c)(6), Title 5 U.S. Code, and the Determination of the Director, Centers for Disease Control, pursuant to Public Law 92–463.

Agenda items are subject to change as priorities dictate.

The portion of the meeting so indicated is open to the public for observation and participation. A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: April 30, 1982.

William H. Foege,

Director, Centers for Disease Control.

[FR Doc. 82-12349 Filed 5-5-82; 8:45 am]

BILLING CODE 4160-19-M

Public Health Service

Health Maintenance Organizations; Continued Regulation; Reestablishment of Compliance

AGENCY: Public Health Service, HHS.

ACTION: Notice.

SUMMARY: On February 17, 1982, the Office of Health Maintenance Organizations (OHMO) notified Westchester Community Health Plan (WCHP), 145 Westchester Avenue, White Plains, New York 10601, a federally qualified health maintenance organization (HMO), that WCHP had successfully reestablished compliance with its assurance to the Secretary that it would (1) maintain a fiscally sound operation and (2) have effective procedures to monitor utilization, to control costs of basic and supplemental health services, and to achieve utilization goals. This determination took effect on January 1, 1982.

FOR FURTHER INFORMATION CONTACT: Frank H. Seubold, Ph. D., Director, Office of Health Maintenance Organizations, Park Building—3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443–4106.

SUPPLEMENTARY INFORMATION: Under Section 1312(b)(1) of the Public Health Service Act (42 U.S.C. 300e–11(b)(1)), if the Secretary makes a determination under section 1312(a) that a qualified HMO is not organized or operated in the manner prescribed by section 1301(c), then the HMO shall be (1) notified in writing of the determination, and (2) directed to initiate corrective action to bring it into compliance with the assurances it provided to the Secretary under section 1310(d)(1). Section 1312(b)(1) also provides that the Secretary shall publish in the **Federal Register** notices of determinations made under that section.

On February 19, 1980, WCHP was officially notified that it was not in compliance with the assurances it had given the Secretary that it (1) would maintain a fiscally sound operation and (2) have effective procedures to monitor utilization, to control costs of basic and supplemental health services, and to achieve utilization goals. This determination of noncompliance, published in the Federal Register at 45 FR 46488 on July 10, 1980, did not affect WCHP's status as a federally qualified HMO. Subsequently, WCHP successfully implemented corrective action to return to compliance with its assurances. On February 17, 1982, WCHP was notified by OHMO that it had reestablished compliance with the assurances it had given the Secretary. This determination took effect on January 1, 1982.

Dated: April 29, 1982.

Frank H. Seubold,

Director, Office of Health Maintenance Organizations.

[FR Doc. 82-12350 Filed 5-5-82; 8:45 am]

BILLING CODE 4160-17-M

Health Maintenance Organizations; Continued Regulations; Determination of Noncompliance

AGENCY: Public Health Service, HHS.

ACTION: Notice.

SUMMARY: On July 27, 1981, the Office of Health Maintenance Organizations (OHMO) determined that CoMed, Inc., Cedar Knolls Plaza 1, 14 Ridgedale Avenue, Cedar Knolls, New Jersey 07927, a federally qualified health maintenance organization (HMO), was not in compliance with the assurances it had provided to the Secretary that it would maintain (1) a fiscally sound operation and (2) satisfactory administrative and managerial arrangements. CoMed has been given the opportunity to take corrective action to bring itself into compliance with these assurances, and CoMed has, in fact, initiated this action. The determination of noncompliance does not itself affect the status of CoMed as a federally qualified HMO.

FOR FURTHER INFORMATION CONTACT: Frank H. Seubold, Ph.D. Director, Office of Health Maintenance Organizations, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443-4106.

SUPPLEMENTARY INFORMATION: Under Section 1312(b)(1) of the Public Health Service Act (42 U.S.C. 300e-11(b)(1)), if the Secretary makes a determination under section 1312(a) that a qualified HMO which provided assurances to the Secretary under section 1310(d)(1) is not organized or operated in the manner prescribed by section 1301(c), then he shall (1) notify the HMO in writing of the determination, (2) direct the HMO to initiate such action as may be necessary to bring it into compliance with the assurances, and (3) publish the determination in the Federal Register.

On July 27, 1981, OHMO notified CoMed that it was not in compliance with the assurance that it had given the Secretary that it would maintain (1) a fiscally sound operation and (2) satisfactory administrative and managerial arrangements. On February 18, 1982, OHMO notified CoMed that it had approved a plan for CoMed to restore compliance with the assurancs that it would maintain (1) a fiscally sound operation and (2) satisfactory administrative and managerial arrangements.

Dated: April 29, 1982.

Frank H. Seubold,

Director, Office of Health Maintenance Organizations.

[FR Doc. 82-12351 Filed 5-5-82; 8:45 am]

BILLING CODE 4160-17-M

Health Maintenance Organizations; Continued Regulation; Determination of Noncompliance

AGENCY: Public Health Service, HHS.

ACTION: Notice.

SUMMARY: On October 1, 1981, the Office of Health Maintenance Organizations (OHMO) determined that Greater Bridgeport Medical Foundation, Inc., d.b.a. Physicians Health Services (PHS), 43 Oakview Drive, Trumbull, Connecticut 06611, a federally qualified health maintenance organization (HMO), was not in compliance with the assurance it had provided to the Secretary that it would maintain a fiscally sound operation. PHS has been given the opportunity to take corrective action to bring itself into compliance with this assurance, and PHS has, in fact, initiated this action. The determination of noncompliance does not itself affect the status of PHS as a federally qualified HMO.

FOR FURTHER INFORMATION CONTACT: Frank H.Seubold, Ph. D., Director, Office of Health Maintenance Organizations, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443-4106.

SUPPLEMENTARY INFORMATION: Under Section 1312(b)(1) of the Public Health Service Act (42 U.S.C. 300e-11(b)(1)), if the Secretary makes a determination under section 1312(a) that a qualified HMO which provided assurances to the Secretary under section 1310(d)(1) is not organized or operated in the manner prescribed by section 1301(c), then he shall (1) notify the HMO in writing of the determination, (2) direct the HMO to initiate such action as may be necessary to bring it into compliance with the assurances, and (3) publish the determination in the Federal Register.

On October 1, 1981, OHMO notified PHS that it was not in compliance with the assurance that it had given the Secretary that it would maintain a fiscally sound operation. On February 19, 1982, OHMO notified PHS that it had approved a plan for PHS to restore compliance with the assurance that it would maintain a fiscally sound operation.

Dated: April 29, 1982.

Frank H. Seubold,

Director, Office of Health Maintenance Organizations.

[FR Doc. 82-12352 Filed 5-5-82; 8:45 am]

BILLING CODE 4160-17-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Fair Housing and Equal Opportunity

[Docket No. N-82-1125]

Availability of Funding Under the Fair Housing Assistance Program; Non-competitive and Competitive Solicitation

AGENCY: Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

ACTION: Announcement of non-competitive and competitive solicitation for funding available to State and local agencies under the Fair Housing Assistance Program.

SUMMARY: HUD is soliciting applications from eligible State and local fair housing agencies for funding under the Fair Housing Assistance Program (FHAP). Agencies must meet specific eligibility criteria in order to qualify for consideration under this program.

FOR FURTHER INFORMATION CONTACT: Steven J. Sacks, Director, Federal, State and Local Programs Division, Office of Fair Housing Enforcement and Section 3 Compliance, Office of Fair Housing and Equal Opportunity, Room 5214, 451-7th Street SW., Washington, D.C. 20410. Telephone: (202) 426-3500. This is not a toll-free number. Application kits are available upon written or telephone request. To assure a prompt response, it

is suggested that requests for application kits be made by telephone.

DATE: Applications for both Type I, Non-competitive funding, and Type II, competitive funding may be submitted between May 6, 1982 and June 21, 1982. Any application received after the specified date will not be considered unless it is received before awards are made and meets one of the late application exceptions specified in the application kit.

SUPPLEMENTARY INFORMATION: This announcement of solicitation for non-competitive and competitive funding available under the FHAP is based on the relevant sections of the Final Rule published by the Department as 24 CFR Part 111 in the **Federal Register** on March 3, 1982, FR Vol. 47 No. 42 pp. 8991–8995. These sections are referenced herein under specific headings of Type I and Type II. Interested agencies are urged to review the referenced sections of that rule and the information in this announcement in order to determine whether or not they should apply under this program. The Program has two types of available funding: Type I—Non-competitive Funding, and Type II—Competitive Funding. Type I—Non-competitive Funding encompasses capacity building, training, complaint monitoring and reporting systems, and contributions. Type II—Competitive Funding, encompasses specialized project proposals developed by State and local agencies to enhance their fair housing programs. Eligible agencies can apply for either or both types of funding. Title VIII of the Civil Rights Act of 1968, as amended (the Federal Fair Housing Law), prohibits discrimination in the sale, rental or financing of housing in the provision of brokerage services. Section 810(c) of Title VIII provides that wherever a State or local fair housing law provides rights and remedies substantially equivalent to those in Title VIII, the Secretary is required to notify the appropriate State or local agency of any complaint filed under Title VIII that appears to constitute a violation of such State or local fair housing law. Section 816 of Title VIII provides that the Secretary may cooperate with State and local agencies charged with the administration of State and local fair housing laws and, with the consent of such agencies, may utilize their services and their employees and may reimburse such agencies for services rendered in carrying out Title VIII.

The Fair Housing Assistance Program was authorized by Congress to provide resources to the Department to enable it to enhance the fair housing capabilities of State and local civil rights agencies. This program is described in the Catalog of Federal Domestic Assistance at 14.401, Fair Housing Assistance program.

I. Eligibility

In order to be eligible to apply for funds under the program, an agency must meet the criteria prescribed in 24 CFR 111.104. Specifically, it must (1) be certified as a substantially equivalent agency pursuant to the standards enunciated at 24 CFR Part 115, or have been proposed for such recognition by the Assistant Secretary for Fair Housing and Equal Opportunity, and (2) it must execute a written Memorandum of Understanding with the Department. Such a Memorandum must describe the working relationship to be in force between the agency and the appropriate HUD Regional Office of Fair Housing and Equal Opportunity. In the event that an agency has, in fact, applied to the Department for recognition as a substantially equivalent entity, and has been found by the Department to have both statutory authority equivalent to Title VIII and an equivalent operational capability to that of the Department (as evidenced by Secretarial approval to publish such a jurisdiction as a proposed addition to the list of recognized equivalent jurisdictions), the fact that the agency has not yet been certified shall not prevent the agency from submitting funding proposals pursuant to the Fair Housing Assistance Program. In such circumstances, the agency may enter into negotiations with the Regional Office of Fair Housing and Equal Opportunity in order to develop a Memorandum of Understanding and may, at the same time, submit funding proposals. However, no funds will be obligated to any agency until such time as it has been officially recognized as substantially equivalent. All proposals under all components must address or have ultimate relevance to matters affecting fair housing which are cognizable under Title VIII.

II. Method of Distribution: Type I—Non-competitive Funding

A. Scope

Applications are solicited for non-competitive funding as described at 24 CFR 111.102. A total of $3,200,000 is available in this component.

B. Categories of Funding

1. Capacity Building—Pursuant to 24 CFR 111.102(a), HUD will provide all agencies seeking capacity building support for the first and second year with a level of funding based upon HUD records showing the annualized number of complaints of housing discrimination received by HUD from that agency's jurisdiction during July–December, 1981, in accordance with the following formula:

Number of complaints	Maximum payment
10 or less	$20,000
11 to 20	30,000
21 to 35	40,000
36 to 55	50,000
56 to 75	60,000
76 to 95	70,000
96 to 115	80,000
116 to 150	90,000
For each additional complaint over 150 [1]	500

[1] Not to exceed $200,000.

Provided, however, that where the annualized number of complaints received by HUD is less than the number received for calendar 1981, agencies will be eligible for maximum funding levels based upon HUD calendar 1981 receipts, pursuant to the above formula. Pursuant to 24 CFR 111.105(b)(1), all agencies seeking capacity building support must submit a written narrative justification documenting that there is within the jurisdiction a sufficient volume of current or potential complaint activity to justify the requested allocation of funds.

Any agency participating for the second time under non-competitive support which can demonstrate that it would be entitled to a greater level of funding based upon direct reimbursement, may apply pursuant to Paragraph 4, Contributions. A second year agency electing to apply pursuant to Paragraph 4, Contributions, retains eligibility for training and complaint monitoring and reporting systems support up to the level the agency would have been entitled to had it applied for capacity building support.

2. Training—Agencies applying for capacity building funds will be required to participate in HUD-sponsored training pursuant to 24 CFR 111.105(b)(2). Funds to support participation in this training are available to the agencies at 20% of their capacity building allocation not to exceed $15,000. Any agency otherwise eligible to receive funding for capacity building but electing not to apply for same, may apply for training support funds up to the level the agency would have been entitled to had it applied for capacity building support.

3. Complaint Monitoring and Reporting Systems—Any agency applying for capacity building funds will be eligible to receive support designed to create, modify or improve the agency's complaint information and

monitoring capability. These funds are available, in a fixed funding amount, on a one time only basis, in accordance with the following formula using the same complaint numbers referenced in Paragraph II. B. 1. above:

50 or fewer complaints—$3,000
51 to 100 complaints—$5,000
More than 100—$8,000

Furthermore, inasmuch as FY 1981 funds which were authorized for noncompetitive data support were not announced pending issuance of a final program rule, for this solicitation only, agencies applying for third year funds which heretofore have not been funded for complaint monitoring and reporting systems are also eligible to apply.

4. Contributions—Pursuant to 24 CFR 111.102(b), agencies applying for their third year of noncompetitive support will be provided with support for complaint processing based solely on the number of dual-filed housing discrimination complaints actually processed by the agency. The unit reimbursement level will be $500 per complaint, not to exceed Cooperative Agreement maximums based upon prior year complaint levels, unless renegotiated prior to the expiration of any executed Cooperative Agreement.

C. Applications

Applicants must submit all information required in the Type I, Non-competitive Application Kit.

D. Award Procedures

Applications for Type I funding will be reviewed upon receipt for completeness and conformity with 24 CFR 111.105. (See also, Paragraph IV, below.)

III. Method of Distribution: Type II—Competitive Funding

A. Scope

Applications are solicited for specialized project proposals as described at 24 CFR 111.103. A total of $1.9 million is available in this component.

B. Classes of Funding

Prior experience in competitive funding under the program indicates that larger agencies, particularly those State agencies in the more populous States, have a decided advantage over smaller State and local agencies in an open competition for Type II funds. HUD has therefore determined, pursuant to 24 CFR 111.103(b), to establish separate classes of competition for Type II funds.

1. Class A—Large Jurisdictions—All agencies serving jurisdictions with populations of 3 million or more, or which receive an annual housing discrimination complaint workload of 100 or more as evidenced by the same number of complaints referenced in Paragraph II B. 1. above, will be treated as Class A agencies. All Class A agencies *must* compete within Class A.

2. Class B—Small Jurisdictions—All agencies serving jurisdictions with populations below 3 million and which receive an annual housing discrimination complaint workload fewer than 100 will be treated as Class B agencies. Class B agencies may elect to compete in either Class A or Class B, but not both.

C. Program Totals and Agency Maximums

A total of $1.3 million is available under Class A competition, with a maximum of $150,000 per agency. A total of $600,000 is available under Class B, with a maximum of $75,000 per agency.

D. Applications

Applicants must submit all information required in the Type II application kit and must include sufficient information to establish that the proposal meets the criteria set forth at 24 CFR 111.106. Proposals must include a clear narrative description of the project and a timetable delineating the points at which the various components of the project will be initiated and completed. Projects should be of no longer than two years duration. Applicants should note that any research or evaluation activities must serve to enhance the agency's fair housing programs. An agency may submit only one Type II proposal.

E. Award Procedures

Applications for Type II funding will be evaluated competitively, by class, and awarded points based on the Factors for Award identified below. The weight of each factor is indicated by the assigned number of points. Each sub-factor is considered relatively equal to others within the same factor, except as otherwise indicated.

Factors for Award

1. Substantive Factors (70 points)
   a. Degree to which project concerns significant fair housing problems and issues within the jurisdiction (30 points)
   b. Degree to which the project results can be expected to successfully impact upon the problems or issues which the project addresses, including degree to which the project is of continuing utility to the agency or the outcome will be long-term in effects (30 points)
   c. Utility to other fair housing agencies of the concept, methodology or information resulting from the project (10 points)
2. Planning and Management Factors (30 points)
   a. Qualifications established for selection of key project personnel, including project director, staff, and consultants/subcontractors
   b. Clarity and thoroughness of project description
   c. Reasonableness of estimated timetable for implementation and completion of project
   d. Adequacy and clarity of proposed procedures to be used by the agency for monitoring progress of project and ensuring timely completion
   e. Current or potential availability and adequacy of data or information necessary to successfully complete the project
3. Cost Factors—An offeror's proposed costs shall be considered together with the factors in 1. and 2. above in determining the proposals most advantageous to the Government.

The Assistant Secretary reserves the right to make discretionary awards in an amount not to exceed $350,000 to applicants for proposals which have been determined as responsive under this competitive solicitation. This discretion may be exercised in order to ensure a more equitable geographic distribution or to achieve program objectives which would not otherwise be met under the above stated factors for award.

IV. Applicant Notification and Award Procedures

A. Notification

No information will be available to applicants during the period of HUD evaluation except for notification in writing of those applicants that are determined ineligible. All applicants will be notified of the results of their Type I applications as soon as evaluation of their application is completed. Awards for Type I applications are expected to be announced within four weeks of receipt of the application. Awards for Type II applications are expected to be announced by HUD within eight weeks of the closing date.

B. Negotiations

After submission of the application but prior to award, HUD may require applicants to participate in negotiations and to submit application revisions resulting from negotiations.

C. Type of Funding Instrument

It is expected that applicants will be funded in the form of both fixed price and cost-reimbursable Cooperative Agreements, as appropriate. HUD reserves the right to award the type of agreement most appropriate after negotiation.

(Sec. 7(d) Department of HUD Act (42 U.S.C. 3535(d)); Title VIII of the Civil Rights Act of 1968, as amended (42 U.S.C. 3602))

Dated: April 30, 1982.

Antonio Monroig,

Assistant Secretary for Fair Housing and Equal Opportunity.

[FR Doc. 82-12302 Filed 5-5-82; 8:45 am]

BILLING CODE 4210-28-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Alabama; Coal Production

AGENCY: Bureau of Land Management, Eastern States Office, Interior.

ACTION: Notice of preparation for coal activity planning.

SUMMARY: Notice is hereby given that the Eastern States Office of the Bureau of Land Management (BLM) is taking steps in preparation for coal activity planning for the second round of competitive coal lease sales in the Alabama Subregion of the Southern Appalachian Coal Production Region. The second round of competitive coal sales is tentatively scheduled to begin between July and September of 1984. The Alabama Subregion consists of Walker, Fayette and Tuscaloosa Counties.

The Bureau of Land Management's Tuscaloosa Office is directly responsible for implementation of Federal coal leasing procedures in Alabama. Employees of that office are now refining and further documenting the North Central Alabama Land Use Analysis (LUA), which was originally published in August, 1979, in preparation for the first round of regional coal sales. This refinement, or "maintenance", of the LUA is being done in accordance with 43 CFR 1601.6-3(a), and will be used as the second-round planning document to fulfill the requirements of 43 CFR 3420.1-5. As part of this procedure, the Tuscaloosa Office is also soliciting from industry representatives and the general public any information they may wish to contribute concerning coal resources in the three counties. Persons with such information are urged to contact Tuscaloosa Office Manager Robert L. Todd or Geologist Robert M. Wilson within the next 30 days. Either one may be reached by phone at (205) 759-5441, or in writing at the Bureau of Land Management, Tuscaloosa Office, 518 19th Avenue, Tuscaloosa, Alabama 35401.

The next announcement in the regional coal leasing process will be a call for expressions of industry interest, scheduled for June, 1982.

FOR FURTHER INFORMATION CONTACT: Robert L. Todd, Bureau of Land Management, Tuscaloosa Office, 518 19th Avenue, Tuscaloosa, Alabama 35401, (205) 759-5441; or Jeffrey R. Williams, Bureau of Land Management, Eastern States Office, 350 South Pickett Street, Alexandria, Virginia 22304, (703) 235-3630.

Pieter J. VanZanden,

Acting Eastern States Director.

[FR Doc. 82-12346 Filed 5-5-82; 8:45 am]

BILLING CODE 4310-84-M

Colorado and Wyoming; Call for Expression of Leasing Interest in Federal Coal in the Green River-Hams Fork Coal Production Region

April 27, 1982.

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice.

SUMMARY: This call for expression of coal leasing interest, Phase III, is to integrate potential lessees' data and needs into the coal activity planning phase of the Federal coal management program in the Green River-Hams Fork Coal Production Region. The data received from this call will be used along with existing data to delineate tracts which would be considered for possible competitive leasing.

DATE: Responses to this notice may be received until May 28, 1982.

ADDRESSES: Responses to this call should be sent to each of the following addresses:

State Director (930), Bureau of Land Management, P.O. Box 1828, Cheyenne, WY 82001;

and

Casper District Resource Evaluation, Minerals Management Service, 111 South Wolcott, Rm. 305, Casper, WY 82601;

and

State Director (930), Bureau of Land Management, 1037 20th Street, Denver CO 80202.

FOR FURTHER INFORMATION CONTACT: J. Stan McKee, Bureau of Land Management (930), P.O. Box 1828, Cheyenne, WY 82001, 307-772-2413;

or

Donald Sweep, District Manager, BLM, Rock Springs District, P.O. Box 1869, Rock Springs, WY 82901, 307-382-5350.

SUPPLEMENTARY INFORMATION: This is to advise all interested parties that the official call for expressions of interest in Federal coal leasing, Phase III, is now in effect for the second round of coal leasing activity in the Green River-Hams Fork Coal Region for possible lease sales beginning in March 1984. Additional calls for expressions are being made in phases extending through June 1982. The call for Phase I was made in December 1981 and has closed; the Phase II call was made in January 1982 and closed March 15, 1982; the Phase IV call is scheduled to be made in late April 1982; and the Phase V call was made April 16, 1982, and will close May 17, 1982. All areas in all five phases are BLM planning areas. While the total situation and needs of the region should be considered, the responses submitted by May 28, 1982, should be for the Phase III portion only. Areas covered by the calls are as follows:

Phase I (December 1981-January 1982), Big Sandy and Salt Wells Planning Areas, Rock Springs District, Wyoming.

Phase II (January-February 1982), White River Planning Area, Craig District, Colorado.

Phase III (April-May 1982), Pioneer Trails Planning Area, Rock Springs Districts, Wyoming.

Phase IV (April-May 1982), Overland and Divide Planning Area, Rawlins District, Wyoming.

Phase V (May-June 1982), Williams Fork Planning Area, Craig District, Colorado.

This call for expressions of interest is the first step in activity planning under the Federal coal management program. It is being made before any tract boundaries are delineated within an area found acceptable for further consideration for coal leasing through conducting the coal screening/planning process, including application of the coal unsuitability criteria. The results of this call will provide significant information that will be employed in delineating tracts that might be offered for lease sale after they have been through the tract ranking, selection, scheduling, and analysis processes that are an integral part of the Federal coal management program defined in 43 CFR Subpart 3420.

Expressions of interest from small businesses and public bodies are actively invited in accordance with the provisions of 43 CFR 3420.1-4 which

states that a reasonable number of lease tracts will be reserved and offered through competitive lease sales to those qualifying under the definitions of public bodies and small coal mining businesses. Entities desiring special leasing opportunities as a public body should state their intentions in their expressions of leasing interest for possible public body set asides. Proof of public body status and evidence of qualifications as required by 43 CFR 3420.1–4(b)(1)(ii) shall be submitted with the expression of interest.

A major purpose of this call for expressions of interest is to integrate potential lessees' data and needs with the process of delineating the logical mining units which will be considered prior to a lease sale. The BLM hopes to gain sufficient information from this call, as well as from its own site specific analyses, to identify areas in which data are of sufficient detail to ultimately make a fair market value determination on specific tracts.

An expression of interest is not an application. The size and/or location of a proposed tract as indicated by an expression of interest may be modified or changed if there is sufficient reason to do so and the coal included in the modified or relocated tract is of approximately equal quality and tonnage to that shown in the expression of interest.

Examples of the types of concerns that may make such action necessary include: the competitive nature of the tract, access needs, mining efficiency, future coal development potential, resource conservation, and State preference and priorities.

These expressions of leasing interest should include the following data where applicable:

1. Quantity needs (total tonnage, average tons per year, and year during which production should commence) for both coal producers and users.
2. Quality needs (types and grades of coal) for both producers and users.
3. Location:
   a. Tracts desired by mining companies (narrative description with delineation on surface minerals management quad map, available for purchase from the BLM State Office).
   b. Public and private industry user facilities in region.
   c. If no location is indicated, but other specified data are provided, the expression will be considered. In such cases the joint BLM/MMS delineation team will locate the tract.
4. Type of mine:
   a. Surface or underground.
   b. Technique of mining (i.e., longwall, room and pillar, strip mining, etc.).
5. Proposed uses of coal:
   a. By mining companies.
   b. By public and private industries.
6. Where coal is consumed (include extra-regional markets).
7. Transportation needs (i.e., railroads, pipelines, etc.):
   a. Existing facilities.
   b. Proposed facilities and development timing.
8. Available sources of coal:
   a. Presently operative.
   b. Contingency of other sources.
9. Information relating to mineral ownership:
   a. Information on surface owner consents previously granted, e.g., a description of the location of the property, whether consents are transferable, etc.
   b. Commitments from fee coal owners or for associated non-Federal coal.
10. Special qualifications for public bodies requesting special leasing opportunities. These specific requirements are listed in 43 CFR 3472.2–5.

Data which are considered proprietary should not be submitted as part of this expression of leasing interest.

An individual, business entity, governmental entity, or public body may participate and submit expressions of leasing interest under this call.

Management framework planning information for the Big Sandy and Salt Wells planning areas may be obtained by contacting the Rock Springs BLM District Manager at the above address. Packets containing all maps and information pertaining to the call are available on request from the Rock Springs District Manager or from J. Stan McKee at the above address.

Maxwell T. Lieurance,

State Director.

[FR Doc. 82–12353 Filed 5–5–82; 8:45 am]

BILLING CODE 4310–84–M

Colorado and Wyoming Call for Expression of Leasing Interest in Federal Coal in the Green River-Hams Fork Coal Production Region

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of calls for expression of leasing interest in Federal coal, overland and divide planning area, Rawlins District, Wyoming.

SUMMARY: This call for expression of coal leasing interest, Phase IV, (Overland and Divide Planning Areas), is to integrate potential lessees' data and needs into the coal activity planning phase of the Federal coal management program in the Green River-Hams Fork Coal Production Region. The data received from this call will be used along with existing data to delineate tracts which would be considered for possible competitive leasing.

DATE: Responses to this notice may be received until June 7, 1982.

ADDRESSES: Responses to this call should be sent to each of the following addresses:

State Director (930), Bureau of Land Management, P.O. Box 1828, Cheyenne, WY 82001; and

Casper District Resource Evaluation, Minerals Management Service, 111 South Wolcott, Rm. 305, Casper, WY 82601; and

District Manager, Rawlins District, Bureau of Land Management, P.O. Box 670, Rawlins, WY 82301.

FOR FURTHER INFORMATION CONTACT: Mike Karbs or Gene Kolkman, Rawlins District, Bureau of Land Management, P.O. Box 670, Rawlins, WY 82301, 307–324–7171.

SUPPLEMENTARY INFORMATION: This is to advise all interested parties that the official call for expressions of interest in Federal coal leasing, Phase IV, is now in effect for the second round of coal leasing activity in the Green River-Hams Fork Coal Region for possible lease sales beginning in March 1984. Additional calls for expressions are being made in phases extending through June 1982. The call for Phase I was made in December 1981 and has closed; the Phase II call was made in January 1982 and closed March 15, 1982; the Phase III and V calls are scheduled to be made in April 1982. All areas in all five phases are BLM planning areas. While the total situation and needs of the region should be considered, the responses submitted by June 7, 1982, should be for the Phase IV portion only. Areas covered by the calls are as follows:

Phase I (December 1981–January 1982): Big Sandy and Salt Wells Planning Areas, Rock Springs District, Wyoming

Phase II (January–February 1982): White River Planning Area, Craig District, Colorado

Phase III (April–May 1982): Pioneer Trails Planning Area, Rock Springs District, Wyoming

Phase IV (April–May 1982): Overland and Divide Planning Areas, Rawlins District, Wyoming

Phase V (May–June 1982): Williams Fork Planning Area, Craig District, Colorado

This call for expressions of interest is the first step in activity planning under the Federal coal management program. It is being made before any tract boundaries are delineated within an

area found acceptable for further consideration for coal leasing through conducting the coal screening/planning process, including application of the coal unsuitability criteria. The results of this call will provide significant information that will be employed in delineating tracts that might be offered for lease sale after they have been through the tract ranking, selection, scheduling, and analysis processes that are an integral part of the Federal coal management program defined in 43 CFR Subpart 3420.

Expressions of interest from small businesses and public bodies are actively invited in accordance with the provisions of 43 CFR 3420.1–4, which states that a reasonable number of lease tracts will be reserved and offered through competitive lease sales to those qualifying under the definitions of public bodies and small coal mining businesses. Entities desiring special leasing opportunities as a public body should state their intentions in their expressions of leasing interest for possible public body set asides. Proof of public body status and evidence of qualifications as required by 43 CFR 3420.2–4(b)(1)(ii) shall be submitted with the expression of interest.

A major purpose of this call for expressions of interest is to integrate potential lessees' data and needs with the process of delineating the logical mining units which will be considered prior to a lease sale. The BLM hopes to gain sufficient information from thir call, as well as from its own site specific analyses, to identify areas in which data are of sufficient detail to ultimately make a fair market value determination on specific tracts.

An expression of interest is not an application. The size and/or location of a proposed tract as indicated by an expression of interest may be modified or changed if there is sufficient reason to do so and the coal included in the modified or relocated tract is of approximately equal quality and tonnage to that shown in the expression of interest.

Examples of the types of concerns that may make such action necessary include: the competitive nature of the tract, access needs, mining efficiency, future coal development potential, resource conservation, and State preference and priorities.

These expressions of leasing interest should include the following data where applicable:

1. Quantity needs (total tonnage, average tons per year, and year during which production should commence) for both coal producers and users.

2. Quality needs (types and grade of coal) for both producers and users.

3. Location:

a. Tracts desired by mining companies (narrative description with delineation on surface minerals management quad map, available for purchase from the BLM Wyoming State Office or Rawlins District office).

b. Public and private industry user facilities in region.

c. If no location is indicated, but other specified data are provided, the expression will be considered. In such cases the joint BLM/MMS delineation team will locate the tract.

4. Type of mine:

a. Surface or underground.

b. Technique of mining (i.e., longwall, room and pillar, strip mining, etc.).

5. Proposed uses of coal:

a. By mining companies.

b. By public and private industries.

6. Where coal is consumed (include extra-regional markets).

7. Transportation needs (i.e., railroads, pipelines, etc.):

a. Existing facilities.

b. Proposed facilities and development timing.

8. Available sources of coal:

a. Presently operative.

b. Contingency of other sources.

9. Information relating to mineral ownership:

a. Information on surface owner consents previously granted, e.g., a description of the location of the property, whether consents are transferable, etc.

b. Commitments from fee coal owner or for associated non-Federal coal.

10. Special qualifications for public bodies requesting special leasing opportunities. These specific requirements are listed in 43 CFR 2472.2–5.

Data which are considered proprietary should not be submitted as part of this expression of leasing interest.

An individual, business entity, governmental entity, or public body may participate and submit expressions of leasing interest under this call.

Management framwork planning information for the Overland and Divide planning areas may be obtained by contacting the Rawlins District Manager at the above address. Maps and information pertaining to the call are available on request from the Rawlins District Manager at the above address.

David J. Walter,

District Manager.

[FR Doc. 82-12354 Filed 5-5-82; 8:45 am]

BILLING CODE 4310-84-M

Idaho Falls District; Grazing Advisory Board Meeting

Notice is hereby given in accordance with Pub. L. 92–463 that the Idaho Falls District Grazing Advisory Board will meet June 10, 1982 for a field tour.

Most Grazing Board members will meet at 8:00 a.m. at the Bureau of Land Management Office, 940 Lincoln Road, Idaho Falls, ID 83401; the remaining members will be picked up at 8:30 a.m. at Beaver Dick Park located 5½ miles west of Rexburg on State Highway 33. The Grazing Board will accept public comments from 9 a.m. to 9:30 a.m. at Beaver Dick Park. The tour is open to the public, who may join the tour at any point. Anyone wishing to make a statement or attend the tour is asked to notify the Idaho Falls BLM District Manager at the above address by June 3, 1982, and must provide their own transportation and lunch.

The purpose of the field tour is to discuss, observe and get Board recommendations on range inventroy work, vegetative manipulation projects and other projects constructed with Range Betterment and Grazing Board funds. The Board will also review minutes of their last meeting and give recommendations on the Big Desert livestock driveway withdrawal review. The tour will take place in the Little Grassy and western Fremont County areas. The Advisory Grazing Board will also make arrangements for their next meeting.

Summary minutes of the Board meeting will be kept in the District Office and be available for public inspection and reproduction during regular business hours within 30 days of the Board meeting.

Note.—This meeting notice replaces FR Doc. 82–11780 which was published at 47 FR 18678, April 30, 1982.

Dated April 29, 1982.

O'dell A. Frandsen,

District Manager.

[FR Doc. 82-12344 Filed 5-5-82; am]

BILLING CODE 4310-84-M

Resource Management Planning Commencement of Wilderness Studies in the Billings Resource Area, Lewistown, Montana

April 27, 1982.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of planning activity.

SUMMARY: In accordance with 43 CFR 1601.3(g), notice is hereby provided of

resource planning activity now underway.

The proposed action is the preparation of Wilderness Suitability Reports/Environmental Impact Statement for four wilderness study areas in the Billings Resource Area, Lewistown District. The reports will fulfill the requirements of the Federal Land Policy and Management Act (FLPMA), of October 1976. The Billings Resource Management Plan is the planning vehicle to be used in completing the suitability reports/EIS. This planning activity is scheduled for completion by September 30, 1983.

The study process will result in preliminary suitability recommendations which will be forwarded to the Secretary of the Interior. The Secretary will make final recommendations to the President who will then submit them to Congress. Congress will make the final decision on which areas or portions of areas will be designated components of the National Wilderness Preservation System.

The study will include an alternative(s) addressing how these areas will be managed if they are not designated wilderness. Wilderness Management Plans will be prepared for any areas designated components of the National Wilderness Preservation System by Congress.

The four wilderness study areas to be analyzed are:

1. Burnt Timber Canyon, MT–067–205, 3,955 acres
2. Pryor Mountain, MT–067–206, 16,972 acres
3. Bighorn Tack-on, MT–067–207, 4,550 acres
4. Twin Coulee, MT–067–212, 6,870 acres

Three of the study areas are located along the south slopes of the Pryor Mountain Range near the Montana-Wyoming state border approximately 15 miles north of Lovell, Wyoming. These units are Burnt Timber Canyon, Pryor Mountain, and Bighorn Tack-on. The public lands to be analyzed extend across the state boundary in the Pryor Mountain and Bighorn Tack-on units. There are 80 acres in the Bighorn Tack-on unit and 4,352 acres in the Pryor Mountain unit located in Bighorn County, Wyoming which will be analyzed for wilderness potential. The remaining identified acreage for the three Pryor Mountain units is located in Carbon County, Montana.

The Wyoming acreage will be studied by an interdisciplinary review team in the Billings Resource area with consultation provided by the Wyoming and Cody Resource Area BLM offices. Resource skills represented on the interdisciplinary team include wildlife biology, outdoor recreation planning, soil science, hydrology, range management, minerals, and geology.

The following planning criteria and quality standards which are included in BLM's Final Wilderness Study Policy (Federal Register Notice of February 3, 1982) will be used to guide the study process:

Criterion No. 1—Evaluation of Wilderness Values

The extent to which each of the following components contribute to the overall value of an area for wilderness purposes:

1. Mandatory wilderness characteristics: The quality of the area's wilderness characteristics—size, naturalness, and outstanding opportunities for solitude or primitive recreation.

2. Special features: The presence or absence, and the quality of the optional wilderness characteristics—ecological, geological, or other features of scientific, education, scenic, or historical value.

3. Multiple resource benefits: The benefits to other multiple resource values and uses which only wilderness designation of the area could ensure.

4. Diversity in the National Wilderness Preservation System: The extent to which wilderness designation of the area under study would contribute to expanding the diversity of the National Wilderness Preservation System from the standpoint of each of the factors listed below:

a. Expanding the diversity of natural systems and features, as represented by ecosystems and landforms.

b. Assessing the opportunities for solitude or primitive recreation within a day's driving time (5 hours) of major population centers.

c. Balancing the geographic distribution of wilderness areas.

Criterion No. 2—Manageability

The areas must be capable of being effectively managed to preserve their wilderness character. The following quality standards must be addressed:

1. Energy and mineral resources
2. Impacts on other resources
3. Impact of nondesignation on wildeness values
4. Public comments
5. Local social and economic effects
6. Consistency with other plans

The criteria and standards will be used to determine the level of analysis required for identified issues, assist in formulating alternatives, identify the preferred alternative and in estimating the cumulative effects of alternatives.

The public will be invited to participate to the fullest possible extent in the study process. Initial open house meetings to obtain comments and further identify issues will be conducted at the following locations:

1. National Park Service; Visitor Center, Lovell, Wyoming; May 18, 1982; 7:00–10:00 p.m.;

2. Billings Resources Area; 810 E. Main St.; Billings, Montana; May 20, 1982; 7:00–10:00 p.m.; and

3. Bureau of Land Management; Lewistown District Office; Airport Road; Lewistown, Montana; May 26, 1982; 7:00–10:00 p.m.

Future meetings will be announced in the **Federal Register** and in local media notices.

FOR FURTHER INFORMATION CONTACT:

Jerome W. Jack, Area Manager, Billings Resource Area, 810 E. Main, Billings, Montana 59105, Phone: (406) 657–6252.

Michael J. Penfold,

State Director.

[FR Doc. 82–12356 Filed 5–5–82; 8:45 am]

BILLING CODE 4310–84–M

Draft Environmental Impact Statement; Proposed Wind Energy Project; San Gorgonio Pass Area, Riverside County, California

The Bureau of Land Management has prepared a draft environmental impact statement concerning a proposed wind energy project in the San Gorgonio Pass area, Riverside County, California. This statement analyzes the environmental consequences of seven proposals to construct and operate large-scale wind turbine fields on approximately 12,780 acres of public land. The proposed wind farms would include turbine installations, several transmission lines to collect power and interconnect into the local power network, the installation of new substations, and construction of access roads to support system requirements. Alternatives to the proposed project include: development on public lands except where significant surface conflicts exist and no action. Major environmental issues are related to aesthetics, threatened and endangered animal and plant species, bird migration, changes in land use, socioeconomics, noise and communications interference.

Notice is hereby given that a public meeting will be held on May 20, 1982 in Palm Springs, California, to provide interested people the opportunity to review the San Gorgonio Pass Wind Energy EIS and any concerns, suggestions, or viewpoints they may have. The meeting will be held from 7:00 P.M. to 10:00 P.M. in the J.C. Frey Building at 1911 E. Baristo, Palm Springs.

For further information contact Bill Payne, EIS Project Coordinator at (916) 484–4541.

Dated: April 30, 1982.

Ed Hastey,

State Director, California.

[FR Doc. 82–12355 Filed 5–5–82; 8:45 am]

BILLING CODE 4310–84–M

Bureau of Reclamation

Quarterly Status Tabulation of Water Service and Repayment Contract Negotiations; Supplemental Notice of Proposed Contractual Actions Pending Through June 1982

The following list of proposed contractual action supplements the tabulation of pending contractual actions published April 26, 1982, 47 FR 17870, for:

Lower Missouri Region, Bureau of Reclamation, P.O. Box 25247, (Building 20, Denver Federal Center) Denver, CO 80225, telephone (303) 234–3327.

9. Exxon Company, U.S.A., Ruedi Reservoir, Fryingpan-Arkansas Project, Colorado; Industrial water service contract; 6,000 acre-feet; FR notice published November 17, 1981, Vol. 46, page 56509.

10. Battlement Mesa, Inc., Ruedi Reservoir, Fryingpan-Arkansas Project, Colorado; Municipal and domestic water service contract; 1,250 acre-feet; FR notice published November 17, 1981, Vol. 46, page 56509.

11. West Divide Water Conservancy District, Ruedi Reservoir, Fryingpan-Arkansas Project, Colorado; Municipal and domestic water service contract; 100 acre-feet; FR notice published November 17, 1981, Vol. 46, page 56509.

12. Cedar Bluff Irrigation District, Cedar Bluff Unit, P–SMBP, Nebraska; Deferment of repayment obligation for 1981; $18,267 payment deferral; FR notice published October 5, 1981, Vol. 46, page 48996.

13. City of Cheyenne, Kendrick Project, Wyoming; Temporary water storage contract; 10,000 acre-feet; No previous FR notice published.

14. Almena ID, Almena Unit, P–SMBP, Kansas; Deferment of repayment obligation for 1982; $16,002.50 payment deferral; FR notice published June 19, 1981, Vol. 46, page 32087.

15. Central Nebraska Public Power and Irrigation District, Glendo Unit, P–SMBP, Nebraska; Irrigation water service contract; 8,000 acre-feet; FR notice published February 7, 1980, Vol. 45, page 8364.

Southwest Region, Bureau of Reclamation, 714 South Tyler, (Commerce Building, Suite 201) Amarillo, TX 79101, telephone (806) 378–5430.

5. State of Oklahoma, McGee Creek Project, Oklahoma; Repayment contract for State's share of costs associated with development of recreation facilities and certain Fish and Wildlife facilities; Obligation will be negotiated in accordance with the Federal Water Project Recreation Act (Pub. L. 89–72), as amended; No previous FR notice published.

6. State of Colorado, Closed Basin Division, San Luis Valley Project; Repayment contract for State's share of costs associated with development of recreation facilities and certain Fish and Wildlife facilities; Obligation will be negotiated in accordance with the Federal Water Project Recreation Act (Pub. L. 89–72), as amended; FR notice published February 12, 1982, Vol. 47, page 6493.

Dated: April 30, 1982.

Aldon D. Nielsen,

Acting Assistant Commissioner of Reclamation.

[FR Doc. 82–12308 Filed 5–5–82; 8:45 am]

BILLING CODE 4310–09–M

National Park Service

Ozark National Scenic Riverways Advisory Commission; Meeting

Notice is hereby given, in accordance with the Federal Advisory Committee Act, 86 Stat. 770, 5 U.S.C. App. 1, as amended by the Act of September 13, 1976, 90 Stat. 1247, that a meeting of the Ozark National Scenic Riverways Advisory Commission will be held on Thursday, May 20, 1982, at 10:00 a.m. (CDT), at the Riverways' Headquarters on U.S. Highway 60 in Van Buren, Missouri.

The Commission was established by the Act of August 27, 1964, 78 Stat. 609, 16 U.S.C. 460m–6, to meet and consult with the Secretary of the Interior on matters relating to the administration and development of the Ozark National Scenic Riverways.

The members of the Commission are as follows:

Mr. John Stanard, Poplar Bluff, Missouri (Chairman)
Mr. H. C. Daniel, Van Buren, Missouri
Mr. Kenneth Fiebelman, Salem, Missouri
Mr. Cecil J. Brallier, Houston, Missouri
Mr. Edward Hodge, Eminence, Missouri

The purpose of this meeting is to review with the Commission progress on the General Management Plan, in particular the DRAFT General Management Plan and procedures to be followed in producing a final plan. A research update will also be provided along with any other topics needing discussion.

The meeting will be open to the public. Any member of the public may file with the Commission, prior to the meeting, a written statement concerning the matters to be discussed. Persons wishing further information concerning the meeting or who wish to submit written statements, may contact Arthur L. Sullivan, Superintendent, Ozark National Scenic Riverways, P.O. Box 490, Van Buren, Missouri 63965, telephone 314–323–4236.

Minutes of the meeting will be available for public inspection 4 weeks after the meeting at Ozark National Scenic Riverways' Headquarters in Van Buren, Missouri.

Dated: April 29, 1982.

J. L. Dunning,

Regional Director, Midwest Region.

[FR Doc. 82–12345 Filed 5–5–82; 8:45 am]

BILLING CODE 4310–70–M

INTERSTATE COMMERCE COMMISSION

Long-and-Short-Haul Applications for Relief

(Formerly Fourth Section Applications)

April 30, 1982.

These applications for long-and-short-haul relief have been filed with the I.C.C.

Protests are due at the I.C.C. within 15 days from the date of publication of this notice.

No. 43963, Southwestern Freight Bureau, Agent (No. B–154), reduced rates on shipments of barium carbonate or strontium carbonate returned to original shipping point, between stations in Southwestern and Southern Territories, in Supplement 149 to its tariff ICC SWFB 6005–D, effective May 29, 1982. Grounds for relief—Rate Relationships.

No. 43964, Southwestern Freight Bureau, Agent (No. B–155), reduced rates on shipments of chloring, in tank cars, from, to and between points in Southwestern, Southern and Eastern Territories, in Supplement No. 149 to its tariff ICC SWFB 6005–D, effective May 29, 1982. Grounds for relief: To provide reasonable rates on returned shipments.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–12303 Filed 5–5–82; 8:45 am]

BILLING CODE 7035–01–M

[Permanent Authority Decision Volume No. OP4-156]

Republications of Grants of Operating Rights Authority Prior to Certification

April 30, 1982

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this Federal Register notice. Such pleading shall address specifically the issue(s) indicated as the purpose for republication. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

By the Commission.

Agatha L. Mergenovich,

Secretary.

MC 103967 (Sub-28) (Republication), filed January 5, 1982; published in the Federal Register issue of February 9, 1982; and republished this issue. Applicant: CARRIER VAN SERVICE, INC., 3041 Paseo, Kansas City, MO 64109. Representative: David Earl Tinker, 1000 Connecticut Avenue, N.W., Suite 1112, Washington, DC 20036. In a decision by the Commission, Review Board Number 3, decided April 22, 1982, and finds that performance by the applicant as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over *irregular routes,* transporting *household goods,* (1) between points in Arizona, California, New Mexico, Oklahoma, Texas, Maryland, North Carolina and South Carolina; and (2) between points in Kansas and Missouri, on the one hand, and, on the other, points in Arizona, California, New Mexico, Oklahoma, Texas, Maryland, North Carolina and South Carolina; will serve a useful public purpose, responsive to a public demand or need. Applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements.

Note.—The purpose of this republication is to reflect correctly the authority as granted.

MC 125037 (Sub-26) (Republication), filed June 22, 1981; published in the Federal Register issue of July 13, 1981; and republished this issue. Applicant: DIXIE MIDWEST EXPRESS, INC., P.O. Box 372, Greensboro, AL 36744. Representative: Theodore Polydoroff, Suite 301, 1307 Dolly Madison Blvd, McLean, VA 22101. In a decision by the Commission, Division 2, Acting as an Appellate Division, decided April 6, 1982, and finds on reconsideration, that performance by the applicant as a *common carrier,* by motor vehicle, in interstate or foreign commerce, *over irregular routes,* transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in the United States (except Alaska and Hawaii); will serve a useful purpose, responsive to a public demand or need. Applicant is fit, willing and able properly to perform the granted service and to conform to statutory and administrative requirements.

Note.—The purpose of this republication is to reflect correctly the granted authority.

MC 144756 (Sub-11) (Republication), filed January 22, 1982; published in the Federal Register issue of February 5, 1982; and republished this issue. Applicant: DEDICATED TRUCKING CORP., P.O. Box 1383, Chehalis, WA 98532. Representative: Henry C. Winters, 12600 S.E. 38th St., Suite 200, Bellevue, WA 98006. In a decision by the Commission, Review Board Number 3, decided April 19, 1982, and finds that performance by the applicant as *a common carrier,* by motor vehicle, in interstate or foreign commerce, over *irregular routes,* transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Arizona, California, Colorado, Idaho, Kansas, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington and Wyoming; will serve a useful public purpose, responsive to a public demand or need. Applicant is fit, willing and able properly to perform this service and to conform to statutory and administrative requirements.

Note.—The purpose of this republication is to include Utah in the scope of authority in lieu of Vermont as originally published.

MC 151717 (Sub-2) (Republication), filed January 15, 1982; published in the Federal Register issue of January 29, 1982; and republished this issue. Applicant: MONTREAL CONTAINER TERMINALS, INC., 6360 Notre Dame St., E., Montreal, Quebec, CD H1N 2E1. Representative: Adrien R. Paquette, 200 St. James St., Suite 900, Montreal, Quebec, CD. In a decision by the Commission, Review Board Number 2, decided April 27, 1982, and concludes that a grant of authority to applicant to operate as a *common carrier,* by motor vehicle, *in foreign commerce only,* transporting *general commodities* (except classes A and B explosives, household goods, commodities in bulk, items of unusual value, and those items requiring special equipment), between the ports of entry on the International Boundary line between the United States and Canada, on the one hand, and, on the other, points in Connecticut, Maryland, Michigan, Illinois, Ohio, Pennsylvania, and Maine; will serve a useful public purpose, responsive to a public demand or need.

Note.—The purpose of this republication is to reflect correctly the actual grant of authority.

[FR Doc. 82-12306 Filed 5-5-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OP2–89

Decided: April 28, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 4963 (Sub-130), filed April 19, 1982. Applicant: JONES MOTOR CO., INC., Bridge St. & Schuylkill Rd., Spring City, PA 19475. Representative: Robert C. Bamford, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209, 703–522–0900. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 59332 (Sub-13), filed April 20, 1982. Applicant: TAYLOR'S EXPRESS, INC., 425 North 37th St., Pennsauken, NJ 08110. Representative: Michael R. Werner, 241 Cedar Lane, Teaneck, NJ 07666, 201–836–1144. Transporting *machinery*, between points in the U.S. (except AK and HI), under continuing contract(s) with Komatsu America Corp., of Thorofare, NJ.

MC 145252 (Sub-11), filed April 16, 1982. Applicant: HENRY ANDERSEN, INC., P.O. Box 75, King George, VA 22485. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., NW., Washington, DC 20005, 202–296–3555. Transporting *food and related products*, between points in the U.S. (except AK and HI).

MC 159932 (Sub-3), filed April 19, 1982. Applicant: CLARENCE KENNEDY, JR., d.b.a. KENNEDY & SON TRUCKING, Route 1, Box 81, Tryon, NC 28782. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Ave., NW, Washington, DC 20005, 202–347–9332. Transporting *ornaments, plastic, glass, paper, and textile mill products, and chemicals and related products*, between points in Gaston County, NC, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Volume No. OP3–069

Decided: April 29, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 1255 (Sub-13), filed April 22, 1982. Applicant: McGINN BUS COMPANY, INC., 31 Milk St., Room 1111, Boston, MA 02109. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K St., NW., Washington, DC 20005, (202) 783–3525. Transporting *passengers and their baggage*, in the same vehicle with passengers, in round-trip charter and special operations, beginning and ending at points in Essex, Middlesex, Norfolk, and Suffolk Counties, MA, those portions of Bristol and Plymouth Counties, MA, on and north of U.S. Hwy 44, that portion of Worcester County, MA, on and east of a line beginning at the junction of MA Hwy 13 and the MA–NH State line, then along MA Hwy 13 to its junction with MA Hwy 12 at Leominster, MA, then along MA Hwy 12 to its junction with the MA–CT State line, and points in Hillsborough and Rockingham Counties, NH, and extending to points in the U.S. (except HI).

MC 9644 (Sub-19), filed April 22, 1982. Applicant: HAYES TRUCK LINE, INC., 1410 Intercity Trafficway, P.O. Box 4018, Kansas City, MO 64101. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244–2329. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), (1) between points in KS, MO, and NE, on the one hand, and, on the other, points in KS, MO, NE, CO, OK, TX, WY, IA, TN, IL, and AR, and (2) between points in NE on and east of U.S. Hwy 183, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 15015 (Sub-1), filed April 19, 1982. Applicant: KERI TOURS, INC., 545 Fifth Ave., New York, NY 10017. Representative: Robert E. Goldstein, 370 Lexington Ave., New York, NY 10017, (212) 532–5181. As a *broker*, at New York, NY, in arranging for the transportation of *passengers and their baggage*, between points in the U.S.

MC 15364 (Sub-19), filed April 23, 1982. Applicant: WISCONSIN-MICHIGAN COACHES, INC., 725 Smith St., Green Bay, WI 54302. Representative: Daniel C. Sullivan, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603, (312) 263–1600. Over *regular routes*, transporting *passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, Between Green Bay and Milwaukee, WI, over Interstate Hwy 43.

MC 67234 (Sub-51), filed April 23, 1982. Applicant: UNITED VAN LINES, INC., One United Drive, Fenton, MO 63026. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105, (314) 727–0777. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Control Data Corporation, of Minneapolis, MN.

MC 67234 (Sub-52), filed April 23, 1982. Applicant: UNITED VAN LINES, INC., One United Dr., Fenton, MO 63026. Representative: B. W. LaTourette, Jr., 11 So. Meramec, Suite 1400, St. Louis, MO 63105, (314) 727–0777. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with Sperry Corporation of Blue Bell, PA.

MC 133154 (Sub-14), filed April 20, 1982. Applicant: BELL TRANSPORT COMPANY, 14000 E. 183rd St., La Palma, CA 90623. Representative: Robert C. Rodgers (same address as applicant), (714) 522–4805. Transporting *paper and related products*, between points in the U.S., under continuing contract(s) with Orchids Paper Products Concel, Inc. of La Palma, CA.

MC 138345 (Sub-12), filed April 20, 1982. Applicant: VALLEY SPREADER, INC., 260 No. Ninth St., Brawley, CA 92227. Representative: Marsha N. Honda, 1545 Wilshire Blvd., No. 606, Los Angeles, CA 90017, (213) 483–4700. Transporting *chemicals and related products*, between points in NM, AZ and CA.

MC 140334 (Sub-13), filed April 20, 1982. Applicant: AM–CAN TRANSPORT SERVICE, INC., P.O. Box 859, Anderson, SC 29621. Representative: John T. Wirth, 2600 Petro-Lewis Tower, 717 17th St., Denver, CO 80202, (303) 892–6700. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contracts

with (1) Monsanto Company, of St. Louis, MO, and its subsidiaries and affiliates, and (2) Tenneco Automotive, a division of Tenneco, Inc., of Monroe, MI

MC 142665 (Sub-3), filed April 21, 1982. Applicant: PYNE FREIGHT LINES, INC., 15 So. Keyser Ave., Taylor, PA 18517. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517, (717) 344–8030. Transporting (1) *metal products and related products, steel articles, tools, tool parts, blades and metal powder,* between points in Bergen County, NJ, on the one hand, and, on the other, points in the U.S. (except AK and HI), (2) *such commodities* as are dealt in by manufacturers of hand industrial cutting and power tools and blades, between points in Pittsylvania County, VA, on the one hand, and, on the other, points in the U.S. (except AK and HI) and (3) *metal products and related products, steel tubing and springs, welding materials and supplies and anchor reels,* between points in Lackawanna County, PA and Berrien County, MI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 142665 (Sub-4), filed April 23, 1982. Applicant: PYNE FREIGHT LINES, INC., 15 S. Keyser Ave., Taylor, PA 18517. Representative: Joseph A. Keating Jr., 121 S. Main St., Taylor, PA 18517, (717) 344–8030. Transporting (1) *building materials,* and (2) *hardware and hand tools,* between points in Lackawanna County, PA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 144805 (Sub-5), filed April 20, 1982. Applicant: M–K TRUCKING, INC., 810 First St., So., Hopkins, MN 55343. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolic, MN 55440, (612) 542–1121. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in Stearns, Sherburne and Benton Counties, MN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 146414 (Sub-4), filed April 23, 1982. Applicant: COOL TRANSPORTS, INCORPORATED, 6300 Alondra Blvd., Paramount, CA 90723. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609, (213) 945–2745. Transporting *petroleum and petroleum products* (a) between points in Los Angeles County, CA, on the one hand, and, on the other, points in AZ, (b) between points in CA, on the one hand, and, on the other, points in NV and UT and (c) between points in NV, on the one hand, and, on the other, points in AZ and UT.

MC 152814 (Sub-3), filed April 21, 1982. Applicant: GOOD TABLES, INC., 1118 E. 223rd St., Carson, CA 90745. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055, (206) 235–1111. Transporting *pulp, paper and related products,* between points in WA and CA.

MC 152935 (Sub-9), filed April 21, 1982. Applicant: HILL–ROM COMPANY, INC., Highway 46, Batesville, IN 47006. Representative: Steve A. Oldham (same address as applicant), (812) 934–7169. Transporting *furniture and fixtures,* between points in the U.S., (except AK and HI), under continuing contract(s) with Morgan Wood Products, Inc., of Cloverdale, CA.

MC 154314 (Sub-1), filed April 23, 1982. Applicant: R. S. J. EXPRESS, INC., 127–36 Northern Blvd., Flushing, NY 11368, Representative: Michael R. Werner, 241 Cedar Ln., Teaneck, NJ 07666, (201) 836–1144. Transporting *such commodities* as are dealt in and used by a manufacturer of food, between points in the U.S. (except AK and HI).

MC 160494, filed April 23, 1982. Applicant: CONVOY, INC., P.O. Box 606, Richardson, TX 75080. Representative: Bryant Whitten (same address as applicant), (241) 235–2321. Transporting *automotive chemicals,* between Arlington, TX, and points in CA, AL, IL, under continuing contract(s) with Berry Products Co., of Arlington, TX.

MC 160755, filed April 20, 1982. Applicant: CRYSTAL SPRINGS TRUCKING, INC., Route 2, Box 325, Iola, WI 54945. Representative: Stan Bickley (same address as applicant), (715) 445–3430. Transporting *(1) fertilizer and potash,* in bulk, between points in IL, IA, MN, and WI, and (2) *fieldstone,* between points in Waupaca County, WI, on the one hand, and, on the other, points in Jefferson County, IL.

MC 160884, filed April 20, 1982. Applicant: JACKET CARRIERS INC., 83 Longview Ave., White Plains, NY 10523. Representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528, (914) 835–4411. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of audio and visual communications, and educational and entertainment devices, between points in GA and NY, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 161204, filed April 20, 1982. Applicant: SHIPPERS SERVICE TRANSPORT, INC., Route 73 & Ramblewood Parkway, Mount Laurel, NJ 08054. Representative: C. Jack Pearce, 1000 Connecticut Ave. NW., Suite 1200, Washington, DC 20036, (202) 785–0048. Transporting *general commodities* (except classes A and B explosives, hazardous wastes, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Robert E. Andersen, Inc., of Cherry Hill, NJ, L & R Traffic Service, Inc., of Philadelphia, PA, and J & V Associates, of Bordentown, NJ.

MC 161414, filed April 9, 1982. Applicant: JOE CAPSHAW, 116 W. Walnut, Altus, OK 73521. Representative: C. L. Phillips, Classen Terrace Bldg., Rm. 248, 1411 N. Classen, Oklahoma City, OK 73106, (405) 528–3884. Transporting *gypsum wallboard and related products,* between points in OK, on the one hand, and, on the other, points in TX.

MC 161555, filed April 19, 1982. Applicant: METRO TOURS, 105 Hopkins Dr., Arlington, SD 57212. Representative: Larry M. Kneip (same address as applicant), (605) 983–5194. As a *broker,* at Arlington, SD, in arranging for the transportation of *passengers and their baggage,* between points in the U.S.

MC 161604, filed April 21, 1982. Applicant: E. & R. WILLIAMS, INC., 208 Paradise Lane, Tonawanda, NY 14150. Representative: Michael A. Wargula, 128 Sherburn Dr., Hamburg, NY 14075, (716) 845–6066. Transporting *construction equipment,* between points in Erie, Niagara, Chatauqua, Cattaraugus, Orleans, Genessee, Monroe, Onondaga, Oneida, Jefferson, St. Lawrence, Clinton, Broome, and Albany Counties, NY, on the one hand, and, on the other, points in and east of MN, IA, MO, AR, and LA.

MC 161625, filed April 23, 1982. Applicant: DAVID GRESSETT, INC., 5601 San Francisco Rd. NE., Albuquerque, NM 87109. Representative: James C. Ash, 2524 Vermont NE., Albuquerque, NM 87110, (505) 298–7511. Transporting (1) *food and related products,* (2) *such merchandise* as is dealt in and distributed by retail, and retail chain grocery stores and food business houses, and (3) *meat by-products* (inedible), between points in AZ, CA, CO, LA, NV, NM, TX and UT.

MC 161654, filed April 23, 1982. Applicant: FILIPPO AND SONS, INC., P.O. Box 374, Plymouth, WI 53073. Representative: Jack Meyer, 111 E. Wisconsin Ave., Suite 1330, Milwaukee, WI 53202, (414) 272–8550. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Consumer Products Division, Borden, Inc., of Columbus, OH.

MC 161655, filed April 23, 1982. Applicant: EGO TRAVEL TOURS, INC., 28 W. Duval St., Philadelphia, PA 19144. Representative: Lawrence A. McGhee (same address as applicant), (215) 848–3481. As a *broker*, in arranging for the transportation of *passengers*, between points in PA, NJ, and DE, on the one hand, and, on the other, points in the U.S.

Volume No. OP4–153

Decided: April 29, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 60066 (Sub-38), filed April 21, 1982. Applicant: BEE LINE MOTOR FREIGHT, INC., 1804 Paul St., Omaha, NE 68102. Representative: Dick Pierson, 1804 Paul St., Omaha, NE 68102, (402) 341–8990. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in NE, on the one hand, and, on the other, points in AL, AR, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, and WI, and DC.

MC 98776 (Sub-10), filed April 20, 1982. Applicant: ELDRIDGE TRUCK LINE, INC., P.O. Box 659, Somerset, KY 42501. Representative: Robert H. Kinker, 314 West Main St., P.O. Box 464, Frankfort, KY 40602, (502) 223–8244. Transporting *commodities in bulk*, between points in KY, on the one hand, and, on the other, points in IN, IL, OH, VA, WV, NC, and TX.

MC 113466 (Sub-9), filed April 20, 1982. Applicant: CECIL E. ALTO, d.b.a. ALTO BROS. TRUCKING, Rt. 1, Box 266–D, Eureka, CA 95501. Representative: Earle V. White, 2400 S.W. 4th Ave., Portland, OR 97201, (503) 226–6491. Transporting *lumber and wood products, lumber mill products*, and *wood pulp*, between points in CA, OR, and WA.

MC 134806 (Sub-79), filed April 20, 1982. Applicant: B–D–R TRANSPORT, INC., P.O. Box 1277, Vernon Dr., Brattleboro, VT 05301. Representative: Edward T. Love, 4401 East West Hwy., Suite 404, Bethesda, MD 20814, (301) 257–7721. Transporting (1) *plastic products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Family Products, Inc., of Lowell, MA; (2) *woodburning stoves and accessories*, between points in the U.S. (except AK and HI), under continuing contract(s) with Garrison Stove Works, Inc., of Claremont, NH; and (3) *games, toys, and hobby items*, between points in the U.S. (except AK and HI), under continuing contract(s) with Kay-Bee Toy & Hobby Shops, Inc., of Lee, MA.

MC 143776 (Sub-50), filed April 20, 1982. Applicant: C.D.B., INCORPORATED, 155 Spaulding Ave., SE., Grand Rapids, MI 49506. Representative: C. Michael Tubbs (same address as applicant), (800) 253–9527. Transporting *electrical equipment and supplies*, between points in the U.S. (except AK and HI), under continuing contract(s) with Lightolier, Incorporated, of Jersey City, NJ.

MC 151566 (Sub-21), filed April 20, 1982. Applicant: PERRY TRANSPORT, INC., 14375 172nd Ave., Grand Haven, MI 49417. Representative: Richard O. Peel (same address as applicant), (616) 842–3550. Transporting *bakery goods*, between points in the U.S. (except AK and HI), under continuing contract(s) with United Biscuit Company of America, Inc., of Grand Rapids, MI.

MC 153146 (Sub-1), filed April 20, 1982. Applicant: DONALD CITRON, d.b.a. D & B TRUCKING, P.O. Box 872, Ceres, CA 95307. Representative: Arden Riess, P.O. Box 7965, Stockton, CA 95207, (209) 957–6128. Transporting *general commodities* (except classes A and B explosives, household goods, and bulk commodities), between points in CA, OR, WA, and AZ.

Volume No. OP4–154

Decided: April 29, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 42266 (Sub-5), filed April 26, 1982. Applicant: LANCASTER & NEW YORK MOTOR FREIGHT SERVICE, INC., RD #2, Box 208, Elizabethtown, PA 17022. Representative: John C. Funesco, Suite 960, 1333 New Hampshire Ave. NW., Washington, DC 20036, (202) 659–5157. Transporting *food and related products*, between points in MD, NJ, NY, PA, VA, and DC.

MC 74176 (Sub-5), filed April 15, 1982. Applicant: WILES TRANSPORT, INC., 16901 Van Dam Rd., S. Holland, IL 60473. Representative: Philip A. Lee (same address as applicant), (312) 236–8225. Transporting *iron wire, iron fluxing compound, steel bars and coils and aluminum sheet, plate and coils*, between Chicago, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 111656 (Sub-19), filed April 26, 1982. Applicant: FRANK LAMBIE, INC., Pier 79 North River, New York, NY 10018. Representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528, (914) 835–4411. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Mitsui & Co (U.S.A.), Inc., of New York, NY.

MC 128016 (Sub-12), filed April 20, 1982. Applicant: BRUCE G. BESH, d.b.a. BRUCE G. BESH TRUCKING, 4101 Center St., Cedar Rapids, IA 50613. Representative: James M. Christenson, 4444 IDS Center, 80 S. 8th St., Minneapolis, MN 55402, (612) 339–4546. Transporting *lumber, wood products and building materials*, between points in AR, IA, KS, LA, MN, MO, NE, OK, TX and WI. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(a) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application for common control to Team 4, Room 2410.

MC 134086 (Sub-4), filed April 26, 1982. Applicant: LEWIS A. HANNABASS, INC., Route 1, Box 866, Moneta, VA 24121. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168, (703) 629–2818. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in KY, OH, NC, TN, VA, and WV, under continuing contract(s) with Montgomery Ward & Co., Inc., of Sharonville, OH.

MC 140036 (Sub-2), filed April 22, 1982. Applicant: WINTERS TRUCKING, INC., 4 Chase Ave., Avenel, NJ 07001. Representative: Dwight L. Koerber, Jr., P.O. Box 1320, 110 N. Second St., Clearfield, PA 16830, (814) 765–9611. Transporting *chemicals and petroleum products*, between points in the U.S., under continuing contract(s) with C.P.S. Chemical Corporation, of Old Bridge, NJ.

MC 141536 (Sub-4), filed April 20, 1982. Applicant: BILL BLANN, d.b.a. BLANN TRACTOR COMPANY, Route 2, Box 38, Hampton, AR 71744. Representative: James M. Duckett, 221 W. 2nd, Suite 411, Little Rock, AR 72201, (501) 375–3022. Transporting *food and related products*, between points in St. Louis County, MO, and Quachita County, AR.

MC 146056 (Sub-5), filed April 21, 1982. Applicant: PURITY TRANSPORTATION COMPANY, 1171 N. Water St., Decatur, IL 62523. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting *bakery products*,

between points in AR, IL, IA, IN, KY, MI, MN, MO, OH and WI.

MC 149546 (Sub-32), filed April 26, 1982. Applicant: D & T TRUCKING CO., INC., P.O. Box 12505, New Brighton, MN 55112. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542–1121. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with First Midwest Corporation, of Des Moines, IA, and Imperial Packaging Company, of Clarksdale, MS.

MC 151826 (Sub-6), filed April 20, 1982. Applicant: J & S TRUCK SERVICE, INC., P.O. Box 807, Lexington, NC 27292. Representative: C. Jack Pearce, Suite 1200 1000 Connecticut Ave. NW., Washington, DC 20036, (202) 785–0048. Transporting (1) *chemicals,* and (2) *such commodities* as are dealt in or used by hospitals, between points in Pittsylvania and Campbell Counties, VA, Nash and Scotland Counties, NC, Spartanburg County, SC, and Franklin County, OH, on the one hand, and, on the other points in the U.S. (except AK and HI).

MC 161446, filed April 26, 1982. Applicant: CHARLES STANLEY HARRIS AND CHARLES STEWART HARRIS, d.b.a. TRAID FURNITURE CARRIERS, 510 Southridge Rd., Jamestown, NC 27282. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. (703) 629–2818. Transporting *furniture and fixtures,* between points in Guilford County, NC, on the one hand, and, on the other points in the U.S. (except AK and HI).

Volume No. OP4–155

Decided: April 30, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 48176 (Sub-2), filed April 23, 1982. Applicant: RICH-HIL TRANSPORTATION, INC., RD 5, Box 64, Flemington, NJ 08822. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048 (212) 466–0220. Transporting *such commodities as are dealt in or used by manufacturers or distributors of plastic products,* between points in the U.S. (except AK and HI), under continuing contract(s) with G.F.C. Foam Corporation, d.b.a. General Foam Corporation, of Paramus, NJ.

MC 115067 (Sub-8), filed April 23, 1982. Applicant: INDEPENDENT MOTOR TRANSPORT, INC., P.O. Box 368, Albany, OR 97321. Representative: James L. Kampstra (same address as appliant), (503 241–0212. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CA, OR, and WA.

MC 119656 (Sub-84), filed April 23, 1982. Applicant: NORTH EXPRESS, INC., 219 Main St., Winamac, IN 469996. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846–6655. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk) (1) between points in AL, AR, DE, FL, GA, IL, IN, IA, KS, KY, LA, MD, MI, MN, MS, MO, NE, NJ, NY, NC, ND, OH, OK, PA, SC, SD, TN, TX, VA, WV, WI, and DC, and (2) between those points in (1) above, on the one hand, and, on the other, points in AZ, CA, CO, CT, ID, ME, MA, MT, NH, NV, NM, OR, RI, UT, VT, WA, and WY.

MC 144506 (Sub-1), filed April 23, 1982. Applicant: KOLLER PETROLEUM PRODUCTS, INC., 241 N. Baltimore St., Spring Green, WI 53588. Representative: Michael J. Wyngaard, 150 E. Gilman St., Madison, WI 53703, (608) 256–7444. Transporting *petroleum, natural gas and their products,* between Chicago and Rockford, IL, Dubuque, IA, and Minneapolis, MN, on the one hand, and, on the other, points in WI.

MC 149416 (Sub-1), filed April 23, 1982. Applicant: R. J. MOSUR, d.b.a. R. J. MOSUR & SON, 1501 16th Ave., P.O. Box 244, Menominee, MI 49858. Representative: Daniel R. Dineen, 710 N. Plankinton Ave., Milwaukee, WI 53203, (414) 273–7410. Transporting *metal and metal products,* between points in Marinette County, WI, and Menominee County, MI, on the one hand, and, on the other, points in AR, IL, LA, MO, OK, TX, and WI.

MC 151616, filed April 20, 1982. Applicant: TRUCKERS, INC., 625 Dilger Ave., Waukegan, IL 60085. Representative: James O'Grady, 420 Grand Ave., Waukegan, IL 60085, (312) 244–8169. Transporting *general commodities,* (except classes A and B explosives, household goods, and commodities in bulk), between Chicago, IL, on the one hand, and, on the other, points in IL, IN, OH, MI, WI, IA, KY, MO, MN, and TN.

MC 161606, filed April 21, 1982. Applicant: CHAMPION FOREST TOURS, 12501 Champion Forest Dr., Houston, TX 77066. Representative: Dr. Douglas A. Wood (same address as applicant), (713) 440–3800. To operate as a *broker,* at Houston, TX, in arranging for the transportation of *passengers and their baggage,* between points in TX, on the one hand, and, on the other, points in the U.S.

MC 161636, filed April 23, 1982. Applicant: SUNSHINE TOURS, INC., 1111–B N. Main St., Blacksburg, VA 24060. Representative: Carroll E. Stone (same address as applicant), (703) 951–8127. To operate as a broker at Blacksburg, VA, in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of *passengers and their baggage,* between points in VA, on the one hand, and, on the other, points in the U.S.

Volume No. OP5–96

Decided: April 28, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 114098 (Sub-62), filed April 15, 1982. Applicant: LOWTHER TRUCKING COMPANY, INC., P.O. Box 3117, C.R.S., Rock Hill, SC 29731–3117. Representative: Lawrence E. Lindeman, 4660 Kenmore Ave., Ste 1203, Alexandria, VA 22304, 703–751–2441. Transporting (1) *general commodities* (except classes A and B explosives, commodities in bulk and household goods), between points in the U.S. (except in AK and HI), under continuing contract(s) with Champion International Corporation of Stamford, CT; and (2) *metal products and machinery,* under continuing contract(s) with Gill Manufacturing Co., of Charlotte, NC, between points in the U.S. (except AK and HI).

MC 115099 (Sub-3), filed April 16, 1982. Applicant: CAPE COD BUS LINES, INC., 11 Walker St., Falmouth, MA 02540. Representative: Matthew L. McGrath, 39 Richwood St., West Roxbury, MA 02132, (617) 323–3533. Transporting *passengers and their baggage,* in the same vehicle with passengers, in charter and special operations, beginning and ending at points in Plymouth, Bristol, Barnstable, and Dukes Counties, MA, on the one hand, and, on the other, points in the U.S.

MC 119079 (Sub-2), filed April 21, 1982. Applicant: DLM COMPANY, INC., 921 West 80th St., Minneapolis, MN 55420. Representative: Daryl D. Swanson (same address as applicant), (612) 888–5600. Transporting *bulk commodities* between points in MN, ND, SD, IA, NE, WI, and IL.

MC 146729 (Sub-15), filed April 20, 1982. Applicant: JAMES S. HELWIG & ALLEN L. GRIMLAND, d.b.a. H & G LEASING, 4525 Irving Blvd., Dallas, TX 75247. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245, 214–358–3341. Transporting *food and related products,* between points in TX on the

one hand, and, on the other, points in the U.S. (except AK and HI).

MC 146969 (Sub-2), filed April 20, 1982. Applicant: STAN KOCH AND SONS TRUCKING, INC., 4901 Excelsior Blvd., St. Louis Park, MN 55416. Representative: Stanely C. Olsen, Jr., 5200 Willson Rd., Suite 307, Edina, MN 55424, (612) 927–8855. Transporting *such commodities* as are dealt in or used by hardware and farm supply stores, (1) between points in WA, OR, ID, NT, WY, CA, NV, UT, AZ, NM, TX, OK, AR, LA, MS, AL, FL, GA, TN, KY, NC, SC, VA, WV, MD, DE, NJ, PA, NY, CT, RI, MA, NH, VT, ME, and DC, and (2) between points in (1) above, on the one hand, and, on the other, points in the U.S. (including AK but excluding HI).

MC 147279 (Sub-4), filed April 20, 1982. Applicant: SALO TRUCKING, INC., P.O. Box 505, Gilbert, MN 55741. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Edina, MN 55424, (612) 927–8855. Transporting *lumber, wood products, and forest products,* between points in Carlton, Beltrimi, and St. Lous Counties, MN, on the one hand, and, on the other, points in IL, IA, MI, MN, MO, MT, NE, ND, SD, WI, and WY.

MC 148598 (Sub-8), filed April 19, 1982. Applicant: BATROCK, INC., U.S. Hwy 127 North, P.O. Box 220, Lawrenceburg, KY 40342. Representative: Robert H. Kinker, 314 West Main St., P.O. Box 464, Frankfort, KY 40602, (502) 223–8244. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in AL, AR, FL, GA, IL, IN, KS, KY, LA, MI, MS, MO, NC, OH, PA, SC, TN, VA, WV, and WI. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecesary to the Secretary's office. In order to expedite issuance of any authority, please submit a copy of the affidavit or proof of filing the application for common control to Team 5, Room 6370.

MC 148818 (Sub-7), filed April 20, 1982. Applicant: CARL PRINCE, d.b.a. PRINCE TRUCKING, P.O. Box 37, Cane Hill, AR 72717. Representative: John C. Everett, 140 E. Buchanan, P.O. Box A , Prairie Grove, AR 72753, (501) 846–2185. Transporting *paper, paper products, wood pulp products, and plastic and plastic products,* between Oklahoma City, OK, and points in Washington, Osage, and Tulsa Counties, OK, Jefferson, Faulkner, Madison, and Conway Counties, AR, Jefferson, Etowah, Madison, and Montgomery Counties, AL, Putnam, Volusia, Lee, Duval, and Dade Counties, FL, Dougherty, Fulton, and Dekalb Counties, GA, East Baton Rouge, Jefferson, and Orleans Parishes, LA, and Taylor, Travis, Harris, and Bexar Counties, TX.

MC 153279 (Sub-1), filed April 16, 1982. Applicant: BONWAY SERVICE TRANSPORT, INC., 692 Bailey Ave., Buffalo, NY 14206. Representative: Anthony J. Zaleski (same address as applicant), 716–832–0272. Transporting (1) *Chemicals and related products,* and (2) *food and related products,* between points in NY, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 153938 (Sub-9), filed April 20, 1982. Applicant: ENERGY EXPRESS, INC., P.O. Box 27605, Salt Lake City, UT 84127. Representative: Norval Millsap (same address as applicant), (801) 364–4532. Transporting *petroleum, natural gas and their products,* between points in the U.S., under continuing contract(s) with H.C. Oil Company of Billings, MT.

MC 156039, filed April 12, 1982. Applicant: WADDELL & SONS, INC., 118 Yates St., Dallas, NC 28034. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Bldg., Charlotte, NC 28204, (704) 372–6730. Transporting *steel products* between points in the U.S., under continuing contract(s) with B & G Manufacturing, Inc., and Green Bay Supply Company, Inc., both of Hatfield, PA, Alloy & Stainless Fasteners, Inc., of Houston, TX, and Cavalier Bolt & Nut, Inc., of Virginia Beach, VA.

MC 161609, filed April 20, 1982. Applicant: RICH WORLDWIDE TRAVEL, INC., 711–3rd Ave., New York, NY 10017. Representative: Arthur Wagner, 342 Madison Ave., New York, NY 10017, 212–755–9500. As a *broker* at New York, NY and Scarsdale, NY, in arranging for the transportation of *passengers and their baggage* in the same vehicle with passengers, in special and charter operations, between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-12304 Filed —82; 8:45 am]

Motor Carriers; Permanent Authority Decision; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's

other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OP3–066.

Decided: April 28, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 25255 (Sub-5), filed April 16, 1982. Applicant: LEE ROY HEERMAN, d.b.a. COIN TRANSFER, P.O. Box 296, Coin, IA 51636. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Clarinda, IA, 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 138225 (Sub-14), filed April 12, 1982. Applicant: HEDRICK ASSOCIATES, INC., R.R. #2, Box 10A2, Douglas Rd., Far Hills, NJ 07931. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210, (703) 525–4050. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between Kansas, Windsor, Ashmore, and Tower Hill, IL, Huntertown, Wallen, Laotto, Swan, Avilla, Gadsden, Toto, Tefft, Charlottesville, Greenfield, Philadelphia, Gem, Cumberland, Hebron, Denham, Plainfield, Clayton, Amo, Coatesville, Fillmore, Pennville, West Cambridge City, Hillsboro, Waynetown, and Covington, IN, Buzzards Bay, Sagamore, Sandwich, and Ludlow, MA, Clinton, Tekonsha, Homer, Concord, Spring Arbor, Centreville, Nottawa, Fairfax, Colon, Sherwood, and Union City, MI, Elm, Mt. Hope, Vernon, Rudeville, Highland Lakes, Blairstown, Marksboro, Greendell, Cranberry Lake, Lake Lackawanna, Pompton Plains, Pemberton, and Ft. Dix, NJ, New Milford, Rosendale, High Falls, Rifton, Tillson, Williamsville, Gardiner, Modena, Lee, Blossvale, Lima, Malone, Constable, Trout River, Leicester, LaGrange, Groveland, Mt. Morris, Sonyea, Linden, Oneida Castle, Red Oaks Mills, Fishkill Plains, St. Andrew, Plattekill, Ilion, and Stafford, NY, Berwick, Ellis, Dresden, Cadiz, Patterson, Grant, Lisbon, Westerville, Galena, Sunbury, Centerburg, Bangs, Mount Liberty, Millwood, Phalanx, Garrettsville, Piney Fork, Pekin, Paris, Amsterdam, Wolf Run, Pattersonville, Augusta, Mechanicstown, Bergholz, Harrod, White Cottage, Moxahala Park, Roseville, Hepburn, Meeker, Big Island, New Lexington, Savona, Fort Jefferson, Germantown, Farmersville, Ingomar, West Alexandria, Trotwood, Brookville, Bachman, West Sonora, Eldorado, Glass Rock, Mt. Perry, Fultonham, East Fultonham, and Crooksville, OH, and Heilwood, Mountain Home, Strawberry Ridge, Eyers Grove, Pulaski, Spring City, Seiple, Upland, Carlton, Dimeling, Madera, Potts Run, Nanty Glo, Lilly, Alexandria, Mount Pleasant, Hepburnville, Woodland Park, Cochranton, Utica, Niles, New Providence, Garland, Pittsfield, Youngsville, Irvine, Starbrick, Waterford, Union City, Beaver Dam, Elgin, Spring Creek, Greason, Audubon, Newville, Oakville, Cornwall, Northwood, Vail, Bald Eagle, Port Matilda, Julian, Unionville, Wingate, South Bradford, Degolia, Custer City, Lewis Run, and Slatington, PA, 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 for abandoned rail carrier service.

MC 149565 (Sub-3) filed April 12, 1982. Applicant: G. L. DUNPHY & SON, INC., Box 2350, North Anson, ME 04958. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210, (703) 525–4050. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Kansas, Windsor, Ashmore, and Tower Hill, IL, Huntertown, Wallen, Laotto, Swan, Avilla, Gadsden, Toto, Tefft, Charlottesville, Greenfield, Philadelphia, Gem, Cumberland, Hebron, Denham, Plainfield, Clayton, Amo, Coatesville, Fillmore, Pennville, West Cambridge City, Hillsboro, Waynetown, and Covington, IN, Buzzards Bay, Sagamore, Sandwich, and Ludlow, MA, Clinton, Tekonsha, Homer, Concord, Spring Arbor, Centreville, Nottawa, Fairfax, Colon, Sherwood, and Union City, MI, Elm, Mt. Hope, Vernon, Rudeville, Highland Lakes, Blairstown, Marksboro, Greendell, Cranberry Lake, Lake Lackawanna, Pompton Plains, Pemberton, and Ft. Dix, NJ, New Milford, Rosendale, High Falls, Rifton, Tillson, Williamsville, Gardiner, Modena, Lee, Blossvale, Lima, Malone, Constable, Trout River, Leicester, LaGrange, Groveland, Mt. Morris, Sonyea, Linden, Oneida Castle, Red Oaks Mills, Fishkill Plains, St. Andrew, Plattekill, Ilion, and Stafford, NY, Berwick, Ellis, Dresden, Cadiz, Patterson, Grant, Lisbon, Westerville, Galena, Sunbury, Centerburg, Bangs, Mount Liberty, Millwood, Phalanx, Garrettsville, Piney Fork, Pekin, Paris, Amsterdam, Wolf Run, Pattersonville, Augusta, Mechanicstown, Bergholz, Harrod, White Cottage, Moxahala Park, Roseville, Hepburn, Meeker, Big Island, New Lexington, Savona, Fort Jefferson, Germantown, Farmersville, Ingomar, West Alexandria, Trotwood, Brookville, Bachman, West Sonora, Eldorado, Glass Rock, Mt. Perry, Fultonham, East Fultonham, and Crooksville, OH, and Heilwood, Mountain Home, Strawberry Ridge, Eyers Grove, Pulaski, Spring City, Seiple, Upland, Carlton, Dimeling, Madera, Potts Run, Nanty Glo, Lilly, Alexandria, Mount Pleasant, Hepburnville, Woodland Park, Cochranton, Utica, Niles, New Providence, Garland, Pittsfield, Youngsville, Irvine, Starbrick, Waterford, Union City, Beaver Dam, Elgin, Spring Creek, Greason, Audubon, Newville, Oakville, Cornwall, Northwood, Vail, Bald Eagle, Port Matilda, Julian, Unionville, Wingate, South Bradford, Degolia, Custer City, Lewis Run, and Slatington, PA, 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 for abandoned rail carrier service.

MC 154535 (Sub-2), filed April 19, 1982. Applicant: JAN PACKAGING, INC., P.O. Box 448, Dover, NJ 07801. Representative: Michael R. Werner, 241 Cedar Ln., Teaneck, NJ 07666, (201) 836–1144. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 161455, filed April 12, 1982. Applicant: WADE D. STREET, Rt. 1, Box 100, Florence, MT 59833. Representative: Wade D. Street (same address as applicant) (406) 273–0358. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 161524, filed April 15, 1982. Applicant: LEWIS D. SEXTON, Route 1, So. Greenfield, MO 65752. Representative: Lewis D. Sexton, (same address as applicant) (417) 452–3667. 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 161564 filed April 16, 1982. Applicant: TRAXX FREIGHT SYSTEM, INC., 3407 W. Pershing Rd., Chicago, IL 60632. Representative: Owen B. Katzman, 1828 L St., NW., Suite 1111, Washington, DC 20036, (202) 822-8200. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OP4–152

Decided: April 29, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 161567, filed April 19, 1982. Applicant: LORENE STOVALL, d.b.a. INTERCHANGE, 3050 Norco Drive, Norco, CA 91760. Representative: Lorene Stovall, (same address as applicant), (714) 735–6571. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

Volume No. OP5–97

Decided: April 28, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 12429 (Sub-1), filed April 20, 1982. Applicant: EADS TRANSFER & STORAGE COMPANY, 350 W. 5th St., Ste. 210, San Pedro, CA 90731. Representative: Don Estrin (same address as applicant), 213–775–8824. As a *broker* at points in Los Angeles and Orange Counties CA, of *used household goods,* between points in the U.S. (including AK and HI).

MC 161579, filed April 20, 1982. Applicant: R. L. STARR, INC., 17404 Cheyenne Drive, Independence, MO 64056. Representative: Ronald L. Starr, (same address as applicant), (816) 257–2836. 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).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-12305 Filed 5-5-82; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29729]

Denver and Rio Grande Western Railroad Company—Exemption—Acquisition and Operation—Near Craig in Moffat County, CO

AGENCY: Interstate Commerce Commission.

AGENCY: Notice of exemption.

SUMMARY: The Interstate Commerce Commission, on its own initiative, pursuant to 49 U.S.C. 10505(b), exempts from the requirements of 49 U.S.C., 10901 Denver and Rio Grande Western Railroad Company's acquisition of a 1.05-mile segment of track from Colorado-Ute Electric Association, Inc. Operations over the involved track remain subject to 49 U.S.C. Subtitle IV.

DATES: This exemption shall be effective on May 6, 1982. Petitions to reopen must be filed by May 26, 1982.

ADDRESSES: Send petitions to:

(1) Section of Finance, Room 5414, Interstate Commerce Commission, Washington, DC 20423.

(2) Samuel R. Freeman and John S. Walker, P.O. Box 5482, Denver, CO 80217.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer (202) 275–7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's full decision. To purchase a copy of the decision write to: TS Infosystems, Inc., Room 2227, Washington, DC 20423, or call the Washington area number 202–289–4359 or toll free 800–424–5403.

Decided: April 30, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Gresham, Sterrett, and Andre.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-12307 Filed 5-5-82; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Partial Consent Decree in Action to Obtain Clean-Up of Waste Storage Site by South Carolina Recycling and Disposal, Inc., Near Columbia, South Carolina

Notice is hereby given that on March 23, 1982, a Partial Consent Decree in *United States* v. *South Carolina Recycling and Disposal, Inc., et al.,* (S.C.D.I.) Civil Action No. 80–1274–6 was filed with the United States District Court for the District of South Carolina.

The consent decree provides for surface cleanup measures at the hazardous waste disposal site on Bluff Road near Columbia, South Carolina, on which over 7200 drums of hazardous wastes were improperly stored. Defendant RAD Services, Inc. will perform a significant portion of the cleanup, with funding provided by some of the alleged generators of wastes at the site. The remaining portion of the cleanup will be undertaken with funds from the Hazardous Substances Response Trust Fund of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (Superfund). RAD Services Inc. has already started work on the site and has agreed to complete the work in 210 days.

Under the provisions of 28 CFR 50.7 it is the policy of the Department of Justice to provide an opportunity to the public to comment on proposed judgments in pollution cases prior to their entry by the Court. However, in this case, the instability and the dangerous conditions on the "Bluff Road" site necessitated an immediate implementation of a clean-up, without waiting the usual 30-day comment period on the decree. Consequently, the decree has been entered without prior opportunity for comment. Nonetheless, comment is invited on the decree.

The partial consent decree may be examined at the Office of the U.S. Attorney, District of South Carolina, P.O. Box 2266, Columbia, S.C. 29202; at the Region IV Office of EPA, Enforcement Division, 345 Courtland Street, NE., Atlanta, Georgia 30308; and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, 10th and Pennsylvania Avenue, NW., Washington, D.C. 20530. In requesting a copy, please send a check or money order payable to the Treasurer of the United States in the amount of $1.50 ($0.10 per page reproduction cost).

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 82-12363 Filed 5-5-82; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL CREDIT UNION ADMINISTRATION

Agency Form Under Review

AGENCY: National Credit Union Administration (NCUA).

ACTION: Agency form under review.

SUMMARY: This document gives notice that NCUA has submitted to the Office of Management and Budget (OMB) a

request for approval of the Supervisory Committee Manual for Federal Credit Unions information collection requirement, which describes the standards, procedures and recordkeeping requirements for audits of Federal credit unions.

DATE: Submitted to OMB: April 29, 1982.

ADDRESS: Comments may be submitted to the National Credit Union Administration, 1776 "G" Street, NW., Washington, D.C. 20456 and the Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: D. Lynn Gordon, telephone: (202) 357–1202 (NCUA) or Phillip T. Balazs, telephone: (202) 395–4814 (OMB).

Wendell A. Sebastian,

Executive Director.

[FR Doc. 82–12297 Filed 5–5–82; 8:45 am]

BILLING CODE 7535–01–M

NATIONAL SCIENCE FOUNDATION

Group "A" of the Subpanel on Neurobiology; Amended Notice of Meeting

Group "A" of the subpanel on Neurobiology of the Advisory Panel for Behavioral and Neural Sciences is meeting in Washington, D.C. on May 17–18, 1982. The agenda for this meeting is being amended to include an open session on May 18 from 1 p.m. to 2 p.m. For convenience, the meeting notice is being reprinted in its entirety.

Name: Subpanel on Neurobiology (Group A) of the Advisory Panel for Behavioral and Neural Sciences.

Date and place: May 17 and 18, 1982, Room 540, 1800 G St. NW., Washington, D.C.

Type of meeting: Part Open—CLOSED—May 17, from 9 a.m. to 5 p.m. and May 18 from 9 a.m. to 1 p.m. OPEN—May 18 from 1 p.m. to 2 p.m.

Contact person: Steven E. Kornguth, Program Director for Neurobiology, National Science Foundation, Room 320, Washington, D.C. 20550, telephone—202–357–7471.

Purpose of subpanel: To provide advice and recommendations concerning support for research in Neurobiology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, National Science Foundation, on July 6, 1979.

This notice originaly appeared in the **Federal Register** on Thursday, April 29, 1982.

M. Rebecca Winkler,

Committee Management Coordinator.

May 3, 1982.

[FR Doc. 82–12309 Filed 5–5–82; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL TRANSPORTATION SAFETY BOARD

Reports, Recommendations, Responses; Availability

Aircraft Accident Report—McDonnell Douglas Corporation DC–9–80, N980DC, Edwards Air Force Base, California, May 2, 1980 (NTSB–AAR–82–2).

Safety Recommendations to—

Association of American Railroads, Apr. 28, I–82–1 through –4: Reevaluate practices and standards influencing the placement of hazardous materials storage that may be vulnerable to damage by derailed railroad cars in train accidents; develop changes to identify and protect vulnerable hazardous materials storage near mainline railroad tracks; identify actions States might take to require adequate protection of future hazardous materials storage near mainline railroad tracks; coordinate development of recommended practices with the National Fire Protection Association and the American National Standards Institute to assure consistency.

National Association of Regulatory Utility Commissioners, Apr. 28, I–82–5: Reevaluate State statutes and administrative orders to identify action States might take to improve protection of hazardous materials storage near railroad right-of-way against damage by derailed railroad cars.

National Fire Protection Association, Apr. 28, I–82–6: Reevaluate NFPA No. 30 "Flammable and Combustible Liquids Code" to assure adequate protection of hazardous materials storage near mainline railroad tracks.

American National Standards Institute, Apr. 28, I–82–7: Reevaluate and amend ANSI Standard K61.1–1972, "Safety Requirements for the Storage and Handling of Anhydrous Ammonia," to provide adequate protection of hazardous materials containers located near mainline railroad tracks.

Recommendation Responses from—

Federal Aviation Administration, Apr. 20, A–81–128: Sent letter to all Principal Operations Inspectors reasserting the need for crew training in the use of the megaphone as emergency equipment. *Apr. 23, A–81–24:* Issued Change 2 to Advisory Circular 135–3B regarding engine failure in Part 23 twin-engine aircraft, and changed Handbook 8430.1B to emphasize the need for initial and recurrent training on emergencies during takeoff.

Federal Highway Administration, Apr. 14, H–81–37 and –38: Current data do not warrant a revision to Sections 393.75 (b) and (c) of the FMCSR, and the FHWA cannot justify the added cost associated with a regulatory change prohibiting the use of tires worn to noncontinuous tread groove depths; developing an On-Guard Bulletin about problems with operating vehicles equipped with tires worn to noncontinuous tread groove depths.

Apr. 26, H–80–52 through –57: Issued Technical Advisory (TA) T5040.17, "Skid Accident Reduction Program," which provides methods and factors that States should consider as elements of their highway programs; FHWA's Implementation Program promotes new findings, methods, and equipment by providing financial assistance to States which implement and verify research. *H–80–64 through –66:* Currently revising the *1977 AASHTO Guide for Selecting, Locating, and Designing Traffic Barriers:* studying performance standards for bridge rails; continuing performance testing of inservice highway appurtenances; planning study of "Performance of Longitudinal Traffic Barriers."

New York City Transit Authority, Apr. 12, R–81–103 through –115: In addition to established courses, a trainee program was begun on Mar. 1, 1982, and formal programs of recurrent training are being developed; car maintenance is now provided every 5,000 miles; instituted a pre-service inspection program for cars; priority is now given to train crew personnel at the Fire Fighting School; emergency training is given at Fire Fighting School and discussed in "School Car" instructions, Rule 43, and a film; additional information cards for cars are being developed; small fire extinguishers are ineffective, subject to theft and vandalism, and impractical for crewmembers to carry around; extinguishers are located every 600 feet on the roadway; will continue to investigate new technologies in rail equipment and will test equipment before use; procedures require that the city fire department be summoned immediately if a *serious* fire/smoke condition is reported or if a train is stalled in such a condition; any other report of fire/smoke is immediately investigated by NYCTA personnel; Rule 52(c) states that a motorman must stop a train if smoke is seen ahead; has ordered a feasibility study to relocate the main air brake line away from the motor control group; installing an automatic air shutoff valve (velocity fuse) on cars; revising car Equipment Information System to provide documentation of all movement and operational status changes of cars and serialized components.

Amtrak, Apr. 19, R–81–67 and –68: Will furnish ICG Railroad with all locomotive tapes removed after trips for review of performance of locomotive engineers; Amtrak Operations Audit personnel determined that trains can be operated safely over the ICG Alton District as currently scheduled and routed.

State of Hawaii, Apr. 14, H–81–69: No legislation regarding passenger occupation of cargo areas of pickup trucks is being considered currently.

American Bureau of Shipping, Apr. 12, M–81–64: Revised Circular No. 45, Index 6.1.1 dealing with "Outstanding Recommendations on Survey Reports."

American Society of Civil Engineers, Apr. 22, P–82–11: Concurs.

Ohio Turnpike Commission, Apr. 22, H–82–7: Recommendation is being considered.

Kansas Public Service Co., Apr. 13, P–78–25 through –32: Transition fittings on certain plastic pipe have been replaced; consulting engineers have reviewed system compliance with DOT requirements and conducted tests of polyethylene pipe and fittings; service vehicles carry maps showing shutoff valves and regulator locations; emergency plans have been developed and discussed with company personnel and local emergency personnel; the superintendent of construction, his assistant, and each crew foreman is trained as an inspector; after-hours telephone numbers are in the company emergency plan.

ARCO Petroleum Products Company, Apr. 16, H–82–5: ARCO has a comprehensive tank truck driver safety program.

Note.—In the past, NTSB publications have been mailed free of charge to organizations and individuals who NTSB determined had a transportation interest and could influence transportation safety. However, because of recent personnel and budget reductions, NTSB can no longer provide publications free of charge. Beginning with reports adopted in 1982, interested organizations and individuals must order reports from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, Virginia 22161, for a fee covering the cost of printing, mailing, handling, and maintenance. For information on reports call 703–487–4650 and to order subscriptions to reports call 703–487–4630. Single copies of recommendation letters (identified by recommendation number) and responses are free on written request to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

H. Ray Smith, Jr.,

Federal Register Liaison Officer.

May 6, 1982.

[FR Doc. 82–12335 Filed 5–5–82; 8:45 am]

BILLING CODE 4910–58–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Clinch River Breeder Reactor; Meeting

The ACRS Subcommittee on Clinch River Breeder Reactor (CRBR) will hold a meeting on May 24 and 25, 1982, Room 1046, 1717 H Street, NW, Washinton, DC. The Subcommittee will discuss potential threats to the CRBR plant containment integrity. Notice of this meeting was published April 13.

In accordance with the procedures outlines 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 Cognizant 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 and Industrial Security information. 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: *Monday, May 24, 1982, 8:30 a.m. until the conclusion of business, Tuesday, May 25, 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, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the Project Management Corporation, 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. Paul Boehnert (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., DST.

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 and Industrial Security information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: April 30, 1982.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 82–12328 Filed 5–5–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–348]

Alabama Power Co.; Proposed Issuance of Amendment to Facility Operating License

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of amendment to Facility Operating License No. NPF–2, issued to Alabama Power Company (the licensee), for operation of the Joseph M. Farley Nuclear Plant, Unit No. 1 located in Houston County, Alabama.

The amendment would revise the provisions in the Technical Specifications relating to the spent fuel pool. This change would permit the licensee to replace all of the storage racks in the present spent fuel pool with high density, poisoned racks, increasing its capacity frm 675 fuel assemblies to 1407 fuel assemblies, in accordance with the licensee's application for amendment dated March 19, 1982.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By June 7, 1982, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2.

If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularly the interest of the petitioner in the proceeding, and how that interest may be affected by the rules of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the

nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such as amended petition must satisfy the specificity requirements, described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Steven A. Varga, Chief, Operating Reactors Branch No. 1, Division of Licensing: (petitioner's name and telephone number); (date petition was mailed); (Farley Unit 1); and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to G. F. Trowbridge, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(i)(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated March 19, 1982, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303.

Dated at Bethesda, Maryland, this 28th day of April 1982.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 82-12321 Filed 5-5-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-247]

Consolidated Edison Co. of New York, Inc.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 76 to Facility Operating License No. DPR-26, issued to the Consolidated Edison Company of New York, Inc. (the licensee), which revised Technical Specifications for operation of the Indian Point Nuclear Generating Unit No. 2 (the facility) located in Buchanan, Westchester County, New York. The amendment was effective March 24, 1982.

The amendment on a one-time only basis allows an additional fifteen day extension to the maximum time between tests specified in Table 4.1-3 for the turbine stop and control valve closure test. The amendment was authorized on an expedited basis to maintain the plant at a steady-state condition and avoid a shutdown transient shown by our evaluation to be unnecessary but required by Technical Specifications unless amended.

The application for 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 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 requests for amendment dated March 24, 1982 and March 26, 1982, (2) the Commission's letter dated March 25, 1982, (3) Amendment No. 76 to License No. DPR-26, 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 White Plains Public Library, 100 Martine Avenue, White Plains, New York. A copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 28th day of April, 1982.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 82-12322 Filed 5-5-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-329 OM, 50-330 OM, 50-329 OL, and 50-330 OL]

Consumers Power Co. (Midland Plant, Units 1 and 2); Cancellation of Evidentiary Hearings and Conference of Counsel or Representatives

April 28, 1982.

Notice is hereby given that, in accordance with the Atomic Safety and Licensing Board's Memorandum and Order dated April 28, 1982 the

evidentiary hearings scheduled for May 11–14, 1982, and the conference of counsel or representatives in the OL proceeding scheduled for May 13, 1982, have been cancelled. The conference is to be replaced with a telephone conference call.

For the Atomic Safety and Licensing Board.

Charles Bechhoefer,

Chairman, Administrative Judge.

[FR Doc. 82-12326 Filed 5-5-82; 8:45 am]

BILLING CODE 7590-01-M

Draft Regulatory Guide; Issuance, Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a new guide planned for its Regulatory Guide Series together with a draft of the associated value/impact statement. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The draft guide, temporarily identified by its task number, OP 722–4 (which should be mentioned in all correspondence concerning this draft guide), is entitled "Qualifications for the Radiation Safety Officer in a Large-Scale Non-Fuel-Cycle Radionuclide Program" and is intended for Division 8, "Occupational Health." It is being developed to provide guidance on the qualifications of the radiation safety officer for a large non-fuel-cycle program involving the use of radioactive materials under an NRC license.

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not received complete staff review and do not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value/impact statement should be accompanied by supporting data. Comments on both drafts should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by June 30, 1982.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of draft guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 28th day of April 1982.

For the Nuclear Regulatory Commission.

Karl R. Goller,

Director, Division of Facility Operations, Office of Nuclear Regulatory Research.

[FR Doc. 82-12327 Filed 5-5-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-289]

Metropolitan Edison Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 77 to Facility Operating License No. DPR–50, issued to Metropolitan Edison Company, Jersey Central Power and Light Company, Pennsylvania Electric Company, and GPU Nuclear Corporation (the licensees), which revised the Technical Specifications for operation of the Three Mile Island Nuclear Station, Unit No. 1 (the facility) located in Dauphin County, Pennsylvania. The amendment becomes effective 4 months after its date of issuance or upon reactor initial criticality following authorization to restart, whichever occurs first.

The amendment revises the Administrative Controls Section of the Technical Specifications to reflect major changes in the GPU Nuclear Corporation organization and internal safety review process. Some aspects of the amendment have been the subject of litigation in the TMI–1 restart proceeding and are consistent with the Licensing Board's findings in that proceeding.

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 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 negaive declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 10, 1981, as supplemented August 13, 1981, and November 25, 1981 (2) Amendment No. 77 to License No. DPR–50, 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. 20555, and at the Government Publications Section, State Library of Pennyslvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126. 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 28th day of April 1982.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 82-12323 Filed 5-5-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-423]

Northeast Nuclear Energy Company, et al. (Millstone Nuclear Power Station, Unit 3); Issuance of Amendment to Construction Permit

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 8 to Construction Permit No. CPPR–113. The amendment reflects the addition of the Vermont Electric Generation and Transmission Cooperative, Inc., Vermont Public Power Supply Authority and Washington Electric Cooperative, Inc., as co-owners and transfers

ownership shares for the Millstone Nuclear Power Station, Unit 3 (the facility), located in New London County, Connecticut as follows:

	Shares (percent)
To:	
Massachusetts Municipal Wholesale Electric Co	2.527
Vermont Electric Generation and Transmission Cooperative, Inc	0.600
Vermont Public Power Supply Authority	1.048
Washington Electric Cooperative, Inc	0.139
Total	4.314
From:	
Hartford Electric Light Co	1.079
Western Massachusetts Electric Co	3.235
Total	4.314

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment, dated December 30, 1981; (2) amendment to the letter of application dated February 24, 1982; (3) Amendment No. 8 to Construction Permit CPPR–113; and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385. Item 3 may be requested by writing to the U.S Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Director, Technical Information and Document Control.

Dated at Bethesda, Maryland, this 29th day of April 1982.

For the Nuclear Regulatory Commission.

B. J. Youngblood,

Chief, Licensing Branch No. 1, Division of Licensing.

[FR Doc. 82–12324 Filed 5–5–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–272 and 50–311]

Public Service Electric and Gas Co.; Issuance of Amendment to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 41 to Facility Operating License No. DPR–70 and Amendment No. 7 to Facility Operating License No. 75, issued to Public Service Electric and Gas Company, Philadelphia Electric Company, Delmarva Power and Light Company and Atlantic City Electric Company (the licensees), which revised Technical Specifications for operation of the Salem Nuclear Generation Station, Unit Nos. 1 and 2 (the facilities) located in Salem County, New Jersey. The amendments are effective as of the date of issuance.

The amendments revise the Radiological Technical Specifications to provide better control and surveillance of containment ventilation valves in both Unit No. 1 and Unit No. 2.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated January 15, 1982, (2) Amendment Nos. 41 and 7 to License Nos. DPR–70 and DPR–75, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Salem Free Public Library, 112 West Broadway, Salem, New Jersey. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 19th day of April 1982.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 82–12325 Filed 5–5–82; 8:45 am]

BILLING CODE 7590–01–M

Appointments to Performance Review Board for Senior Executive Service

AGENCY: Nuclear Regulatory Commission.

ACTION: Appointments to Performance Review Board for Senior Executive Service.

SUMMARY: The Nuclear Regulatory Commission (NRC) has announced the following appointments to the NRC Performance Review Board (PRB) roster:

John C. Hoyle, Assistant Secretary of the Commission

Guy H. Cunningham, Executive Legal Director

Hugh L. Thompson, Director, Planning and Program Analysis Staff, NRR

Ralph G. Page, Chief, Uranium Fuel Licensing Branch, NMSS

Ronald C. Haynes, Regional Administrator, Region I

These appointements are to three year terms and are made pursuant to Section 4314 of Chapter 43 of Title 5 of the United States Code.

In addition to the above new appointments, the following members are continuing on the PRB:

Patricia G. Norry, Acting Director, Office of Administration

John G. Davis, Director, Office of Nuclear Material Safety and Safeguards

Richard C. DeYoung, Director, Office of Inspection and Enforcement

Thomas E. Murley, Director, Regional Operations and Generic Requirements Staff

James A. Fitzgerald, Assistant General Counsel

Denwood F. Ross, Deputy Director, Office of Nuclear Regulatory Research

James G. Keppler, Regional Administrator, Region II

Ormon E. Bassett, Director, Division of Accident Evaluation, RES

Clemens J. Heltemes, Deputy Director, Office of Analysis and Evaluation of Operational Data

Edson G. Case, Deputy Director, Office of Nuclear Reactor Regulation

EFFECTIVE DATE: May 6, 1982.

FOR FURTHER INFORMATION CONTACT: Patricia G. Norry, Chair, Performance Review Board, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, 301–492–7335.

Dated at Bethesda, Maryland, this 3rd day of May, 1982.

For the Nuclear Regulatory Commission.

E. Kevin Cornell,

Chairman, Executive Resources Board.

[FR Doc. 82–12377 Filed 5–5–82; 8:45 am]

BILLING CODE 7590–01–M

Docket Nos. STN 50-528, STN 50-529, and STN 50-530]

Arizona Public Service Co., et al. (Palo Verde Nuclear Generating Station, Units 1, 2, and 3); Issuance of Amendments to Construction Permits

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments No. 4 to Construction Permit Nos. CPPR–141, CPPR–142, and CPPR–143. The amendments add Los Angeles Department of Water and Power (LADWP) and Southern California Public Power Authority (SCPPA) as co-owners and reflect a transfer of a 5.70% and 5.91% undivided ownership interests from Salt River agricultural Improvement and Power District to LADWP and SCPPA, respectively, for the Palo Verde Nuclear Generating Station, Units 1, 2, and 3 (the facilities), located in Mariiicopa County, Arizona. The amendments are efferctive as of their date of issuance. The present applicants for Palo verde are Arizona Public Service Company, Salt River Project Agricultural Improvement and Power District, El Paso Electric Company, Southern california Edison Company, Public Service company of New Mexico and M–S–R Public Power Agency.

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 regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the amendments. The Commission has also concluded that the amendments involve actions which are insignificant from the standpoint of environmental impact and that, pursuant to 10 CFR 51.5(d)(4), and environmental impact statement or negative declaration and an environmental impact appraisal need not be prepared in connection with the issuance of the amendments. Prior public notice of the amendments was not required since the amendments do not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendments, dated July 31, 1981; (2) Amendments No. 4 to Construction Permit Nos. CPPR–141, CPPR–142, and CPPR–143 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C, and at the Phoenix Public Library, Science and Industry Section, 12 East McDowell Road, Phoenix, Arizona 85004. Items 2 and 3 may be requested by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Technical Information and Document Control.

Dated at Bethesda, Maryland, this 28th day of April, 1982.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 82–12370 Filed 5–5–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–454 OL and 50–455 OL]

Commonwealth Edison Co. (Byron Nuclear Power Station, Units 1 and 2); Oral Argument

Notice is hereby given that, in accordance with the Appeal Board's order of April 30, 1982, oral argument on the appeal of intervenor The Rockford League of Women Voters from the October 27, 1981 and January 27, 1982 orders of the Licensing Board will be heard at *2:00 p.m. on Wednesday, May 26, 1982,* in the NRC Public Hearing Room, Fifth Floor, East-West Towers Building, 4350 East-West Highway, Bethesda, Maryland.

Dated: May 3, 1982.
For the Appeal Board.

C. Jean Shoemaker,

Secretary to the Appeal Board.

[FR Doc. 82–12378 Filed 5–5–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–237, 50–249, 50–254 and 50–265

Commonwealth Edison Co. and Iowa-Illinois Gas and Electric Co.; Issuance of Amendments to Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 70 to Provisional Operating License No. DPR–19, and Amendment No. 62 to Facility Operating License No. DPR–25, issued to Commonwealth Edison Company, which revised the Technical Specifications for operation of the Dresden Nuclear Power Station, Unit Nos. 2 and 3, located in Grundy County, Illinois. The Commission has also issued Amendment No. 76 to Facility Operating License No. DPR–29, and Amendment No. 70 to Facility Operating License No. DPR–30, issued to Commonwealth Edison Company and Iowa-Illinois Gas and Electric Company, which revised the Technical Specifications for operation of the Quad-Cities Nuclear Power Station, Unit Nos. 1 and 2, located in Rock Island County, Illinois. The amendments are effective as of the date of issuance.

The amendments authorize changes to the Technical Specifications to provide additional surveillance requirements for safety-related hydraulic and mechnical snubbers.

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 Section 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated April 16, 1981 as supplemented by letters dated September 29 and October 21, 1981, (2) Amendment No. 70 to License No. DPR–19, Amendment No. 62 to License No. DPR–25, Amendment No. 76 to License No. DPR–29, and Amendment No. 70 to License No. DPR–30, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Morris Public Library, 604 Liberty Street, Morris, Illinois, for Dresden 2 and 3 and at the Moline Public Library, 504 17th Street, Moline, Illinois, for Quad Cities 1 and 2. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 28th day of April 1982.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 82–12371 Filed 5–5–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50-389]

Florida Power and Light Co., et al.; Availability of the Final Environmental Statement for St. Lucie Plant, Unit No. 2

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Final Environmental Statement (NUREG-0842) has been prepared by the Commission's Office of Nuclear Reactor Regulation related to the proposed operation of the St. Lucie Plant, Unit No. 2, located in St. Lucie County, Florida. The owners of St. Lucie 2 are Florida Power and Light Company and Orlando Utilities Commission of the City of Orlando, Florida.

The Final Environmental Statement (NUREG-0842) is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and at the Indian River Community College Library, 3900 Virginia Avenue, Ft. Pierce, Florida. The Final Environmental Statement is also being made available at the State Planning & Development Clearinghouse, Office of Intergovernmental Coordination, Executive Office of the Governor, the Capitol, Tallahassee, Florida 32301 and at the Treasure Coast Regional Planning Council, P.O. Box 2395, Stuart, Florida 33494.

The notice of availability of the Draft Environmental Statement for the St. Lucie Plant, Unit No. 2 and request for comments from interested persons was published in the **Federal Register** on October 30, 1981 (46 FR 53822). Comments received from Federal, State, and local agencies and an interested member of the public have been included in an appendix to the Final Environmental Statement.

Copies of the Final Enviornmental Statement (NUREG-0842) may be purchased at current rates, from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, and by GPO deposit account holders by calling (301) 492-9530 or by writing to the U.S. Nuclear Regulatory Commission, Division of Technical Information and Document Control, Washington, D.C. 20555, Attn: Publication Sales Manager.

Dated at Bethesda, Maryland, this 23d day of April, 1982.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 82-12372 Filed 5-5-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-498/499]

Houston Lighting and Power Company, et al.; Order Extending Construction Completion Dates (South Texas Project, Units 1 and 2)

Houston Lighting and Power Company, the City Public Service Board of San Antonio, Texas, Central Power and Light Company, and the City of Austin, Texas, are the holders of Construction Permits No. CPPR-128 and CPPR-129 issued by the Nuclear Regulatory Commission on December 22, 1975 for the South Texas Project, Units 1 and 2. This facility is presently under construction at the applicants' site in Matagorda County, Texas.

By letter dated March 12, 1982, Houston Lighting and Power Company filed a request for extension of the latest construction completion date for the facility. This request is to extend the latest completion date to December 31, 1987 for Unit 1 and to December 31, 1989 for Unit 2.

Houston Lighting and Power Company stated that this extension is requested because construction has been delayed due to:

(1) Replacement of Brown and Root as Architect/Engineer and Construction Manager by Bechtel Power Corporation.

(2) Replacement of Brown and Root as constructor by Ebasco Services, Inc.

(3) The design of the project did not proceed as quickly as expected, the scope of the construction work was more expensive than originally estimated, and extected unit construction rates were not achieved, in part due to changes in complexity attributable to evolving regulatory requirements, as were experienced by other nuclear power plants of the same vintage.

(4) Certain concrete placement and welding activities were suspended by HL&P in 1979-80 as a result of investigations that disclosed problems relating to those activities.

Corrective measures had been implemented and a limited resumption of these activities had begun prior to the decision to remove Brown & Root as Architect/Engineer and Construction Manager.

(5) Progress on the South Texas Project has been essentially halted since December, 1981, as a consequence of Brown & Root's withdrawal as constructor.

Prior public notice of this extension was not required since the Commission has determined that this action involves no significant hazards consideration; good cause has been shown for the delays; and the requested extension is for a reasonable period of time. The staffs conclusions are set forth in the NRC staff's evaluation of the request for extension.

The Commission has determined that this action will not result in any significant environmental impact and, pursuant to 10 CFR 51.5(d)(4), an environmental impact statement, or negative declaration and environmental impact appraisal, need not be prepared in connection with this action.

The NRC staff's evaluation of the request for extension of the construction permit is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, at the Bay City Library, 1900 Fifth Street, Bay City, Texas 77414 and at the Austin Public Library, 810 Guadalupe Street, Austin, Texas 78768.

It is hereby ordered that the latest completion date for CPPR-128 is extended from May 31, 1982 to December 31, 1987 and for CPPR-129 from October 31, 1983 to December 31, 1989.

Date of Issuance: April 30, 1982.

For the Nuclear Regulatory Commission.

Robert Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 82-12373 Filed 5-5-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-361]

Southern California Edison Co., et al.; Issuance of Amendment Facility Operating License No. NPF-10

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 2 to Facility Operating License No. NPF-10, issued to Southern California Edison Company, San Diego Gas and Electric Company, The City of Riverside, California and The City of Anaheim, California (licensees) for the San Onofre Nuclear Generating Station, Unit 2 (the facility) located in San Diego County, California. The amendment is effective as of April 9, 1982.

This amendment (1) clarifies the testing and acceptance criteria for low and medium voltage circuit breakers and (2) deletes the nominal trip setpoint

and short circuit response time values contained in the Technical Specifications.

Issuance of this amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) Southern California Edison Company's letter dated April 7, 1982, (2) Amendment No. 2 to Facility Operating License No. NPF–10 and (3) the Commission's related Safety Evaluation.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and the Mission Viejo Branch Library, 24851 Chrisanta Drive Mission Viejo, California 02676. A copy of these items may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 30th day of April, 1982.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 82–12374 Filed 5–5–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–305]

Wisconsin Public Service Corp., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 41 to Facility Operating License No. DPR–43, issued to Wisconsin Public Service Corporation, Wisconsin Power and Light Company, and Madison Gas and Electric Company (the licensees), which revised Technical Specifications for operation of the Kewaunee Nuclear Plant (the facility) located in Kewaunee County, Wisconsin. The amendment is effective 30 days from the date of issuance.

The amendment revises the Technical Specifications in respect of Power Distribution Control, Allowable Control Rod Misalignment, and Control Rod Position Indication Systems.

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 this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated August 7, 1981, November 23, 1981, December 8, 1981, and December 23, 1981, (2) Amendment No. 41 to License No. DPR–43 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 Kewaunee Public Library, 314 Milwaukee Street, Kewaunee, Wisconsin 54216. 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 29th day of April, 1982.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 82–12375 Filed 5–5–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–305]

Wisconsin Public Service Corp., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 42 to Facility Operating License No. DPR–43, issued to Wisconsin Public Service Corporation, Wisconsin Power and Light Company, and Madison Gas and Electric Company (the licensees), which revised Technical Specifications for operation of the Kewaunee Nuclear Plant (the facility) located in Kewaunee, Wisconsin. The amendment is effective as of June 1, 1982.

This amendment changes the Technical Specifications to reflect modifications to the plant electrical distribution systems and to resolve the generic issues related to the Subjects of Degraded Grid Voltage Protection and Adequacy of Station Electric Distribution System Voltages.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 4, 1977 and as subsequently revised on January 28, 1981, May 1, 1981, November 30, 1981 and February 1, 1982, (2) Amendment No. 42 to License No. DPR–43 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 Kewaunee Public Library, 314 Milwaukee Street, Kewaunee, Wisconsin 54216. 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 30th day of April, 1982.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 82–12376 Filed 5–5–82; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 1-6828 and 1-7959]

Hotel Investors Trust and Hotel Investors Corp.; Application To Withdraw From Listing and Registration

April 30, 1982

In the matter of Hotel Investors Trust, Shares of Beneficial Interest ($1 par value) (File No. 1-6828) and Hotel Investors Corporation, Common Stock ($1 par value) (File No. 1-7959).

The above named issuers have filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified securities from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing these securities from listing and registration include the following:

1. The shares of beneficial interest of Hotel Investors Trust ("Trust") and the common stock of Hotel Investors Corporation ("Corporation") are listed and registered on the Amex and are paired securities and therefore trade in tandem. Pursuant to a Registration Statement on Form 8-A which became effective on March 24, 1982, the Trust and the Corporation are also listed and registered on the New York Stock Exchange, Inc. ("NYSE"). The Trust and the Corporation have determined that the direct and indirect costs and expenses do not justify maintaining the dual listing of the securities on the Amex and the NYSE.

2. This application relates solely to withdrawal of the shares of beneficial interest and the common stock from listing and registration on the Amex and shall have no effect upon the continued listing of such stocks on the NYSE. The Amex has posed no objection to this matter.

Any interested person may, on or before May 21, 1982 submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-12364 Filed 5-5-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22479; 70-6718]

Northeast Utilities and Connecticut Light and Power Co.; Proposed Capital Contribution to Subsidiary Company

April 30, 1982.

In the matter of Northeast Utilities, 174 Brush Hill Avenue, West Springfield, Massachusetts 01089 and The Connecticut Light and Power Company, 107 Selden Street, Berlin, Connecticut 06037 (70-6718).

Northeast Utilities ("Northeast"), a registered holding company, and The Connecticut Light and Power Company, ("CL&P"), a public-utility subsidary of Northeast, have filed with this Comission a post-effective amendment to the declaration in this proceeding pursuant to Section 12(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 45 thereunder.

By order in this proceeding dated April 23, 1982 (HCAR No. 22470), Northeast, among other things, was authorized to make capital contributions of up to $40,000,000 to CL&P. The funds derived from the capital contributions are being used by CL&P to reduce its short-term debt. Such short-term debt amounted to $184,400,000 at March 1, 1982, and was incurred primarily for the purpose of financing CL&P's construction program and refunding debt.

Northeast now proposes to make an additional capital contribution to CL&P in the amount of $10,000,000. Such capital contribution will be converted from an interest-free open account advance of $10,000,000 being made by Northeast to CL&P on or about May 4, 1982, pursuant to Rle 45(b)(3). It is stated that the additional cash is needed in order to retire short-term debt of CL&P and to give CL&P greater assurance of its ability to meet the earnings coverage requirements of its preferred stock provisions in connection with CL&P's proposed issue and sale of 800,000 shares of Preferred Stock, Series M, $50 par value (File No. 70-6719).

The post-effective amendment to the declaration and any further amendments are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by May 25, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarants at the addresses specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as now amended or as it may be further amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-12365 Filed 5-5-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12414; 812-5095]

Tri-Continental Corp.; Filing of Application

April 30, 1982.

In the matter of Tri-Continental Corporation, One Bankers Trust Plaza, New York, New York 10006 (812-5095).

Notice is hereby given that Tri-Continental Corporation ("Applicant"), a closed-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on January 28, 1982, and an amendment thereto on April 7, 1982, requesting an order of the Commission pursuant to Section 6(c) of the Act declaring that William M. Rees shall not be deemed an interested person of Applicant or of its investment adviser, J. & W. Seligman & Co. Incorporated ("Seligman"), as that term is defined in Section 2(a)(19) of the Act, solely by reason of his being a director of The Chubb Corporation ("Chubb"). All interested persons are referred to the application on file with the Commission for a statement of the representation contained therein, which are summarized below.

Applicant states that Mr. Rees, a director of Applicant, is a director and

chairman of the executive committee of Chubb and a director of certain Chubb subsidiaries: Federal Insurance Company, Vigilant Insurance Company, Great Northern Insurance Company and Bellemead Development Corporation. Applicant states that Mr. Rees is not a director, officer or employee of any other Chubb subsidiary and is not an officer or employee of Chubb. According to Applicant, Mr. Rees also beneficially owns 16,300 shares of the common stock of Chubb, which represents less than 1% of Chubb's outstanding common stock. Applicant represents that Chubb is primarily engaged, through subsidiaries, in the businesses of property and casualty insurance, life insurance and real estate. However, Chubb Securities Corporation ("Securities"), an indirect subsidiary of Chubb, is a broker-dealer registered under the Securities Exchange Act of 1934 ("1934 Act"). Applicant states that Securities is engaged in the sale of shares of open-end investment companies, both alone and in combination with life insurance, the sale of variable annuity contracts and the sale of tax-sheltered programs involving limited partnership interests in oil and gas and real estate ventures. Securities is not a member of a securities exchanges, does not make a market in securities, does not execute or clear securities transactions, except as described above, and is not, according to Applicant, otherwise engaged in the securities business. Applicant asserts that, for 1981, net income of Securities represented less than 1% of the consolidated net income of Chubb.

Sections 2(a)(19)(A)(v) and (B)(v) of the Act, in pertinent part, define an interested person of an investment company or its investment adviser to be any affiliated person of a broker-dealer registered under the 1934 Act. Section 2(a)(3) of the Act, in pertinent part, defines an affiliated person to be any person directly or indirectly controlling, controlled by or under common control with such other person. Applicant states that because of Mr. Rees' status as an affiliated person, as defined by Section 2(a)(3) of the Act, of Chubb, which is an affiliated person of Securities, Mr. Rees might be deemed to be an interested person of both Applicant and Seligman by reason of Section 2(a)(19).

Section 10(a) of the Act prohibits Applicant from having a board of directors more than 60% of which are interested persons of Applicant. Although the composition of Applicant's board of directors presently complies with Section 10, even if Mr. Rees were considered to be an interested person of Applicant, Applicant states that its charter includes a provision requiring that at least 75 percent of its directors shall be persons who are not interested persons of Seligman. Since Applicant's board of directors consists of eight persons, of whom five are not interested persons, excluding Mr. Rees, Applicant would not be in compliance with its charter provision if Mr. Rees were deemed to be an interested person of Seligman. Such provision, according to Applicant, was included in its charter to insure the independence of its board of directors from Seligman following the externalization of Applicant's management arrangements effective January 1, 1981. Applicant states that it does not believe that Mr. Rees' position as a director of both Chubb and Applicant is inconsistent with this purpose.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant states that it believes that the order requested is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act.

Applicant asserts that if Securities were engaged solely in the business of selling open-end investment company shares and variable annuity contracts, Mr. Rees would not be deemed an interested person of Applicant or Seligman by reason of Rule 2a–5 under the Act which provides, as pertinent herein, that a person shall not be deemed an interested person of another person, with respect to an investment company or any investment adviser for such company, within the meaning of Section 2(a)(19) solely because such person is a broker or dealer as described in subparagraphs (A)(v) or (B)(v) of Section 2(a)(19), or an affiliated person of such broker or dealer, provided that (a) such broker or dealer does not directly or indirectly act as a broker or dealers except in distributing shares issued by one or more registered investment companies other than such investment company and (b) no such shares are distributed to such investment company. Applicant does not believe that the sale of tax-sheltered programs by Securities, which accounted for less than 20 percent of its sales in 1981, should change that analysis.

Moreover, Applicant argues that Mr. Rees' position as a director of both Applicant and Chubb does not present the potential for conflict of interest which the provisions of the Act and of its charter were designed to guard against. Applicant states that it has not and does not intend to purchase securities from or through, or sell securities to or through, Securities. Because Applicant's securities are listed, Applicant asserts that Securities, which is not a member of any exchange, would not be in position to sell Applicant's securities. Additionally, Applicant undertakes not to transact any business with Securities as long as Mr. Rees is a director of Applicant. Applicant states that such restriction will not adversely affect its activities. Applicant further states that it has been informed by Seligman that neither Seligman nor any of its subsidiaries presently has or expects to have any business dealing with Securities. Although Applicant and Seligman maintain fidelity insurance with Chubb, Applicant asserts that such insurance is immaterial to Chubb. Applicant claims that the indirect financial interest of Mr. Rees in Securities is de minimis. Finally, Applicant represents that Mr. Rees will not become an officer or director of Securities nor will he have any direct responsibility for the operations of Securities as long as he is a director of Applicant.

Notice is further given that any interested person may, not later than May 25, 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 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 as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a

hearing is ordered, will receive any notice 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. 82-12366 Filed 5-5-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18697; SR-CBOE-821-3]

Chicago Board Options Exchange, Inc.; Order Approving Proposed Rule Change

April 30, 1982.

In the matter of Chicago Board Options Exchange, Inc., LaSalle at Jackson Street, Chicago, Illinois 60604 (SR-CBOE-82-3).

The Chicago Board Options Exchange, Inc. ("COBE") submitted on February 22, 1982, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, to amend CBOE Rule 9.3 which provides, in relevant part, that CBOE member organizations must report to the exchange the termination of employment or of affiliation of a registered representative. Under the proposed rule change, member organizations would be required only to report "terminations for cause." These reports would be made on the Uniform Termination Notice for Securities Industry Registration (Form U-5).[1]

[1]The term "termination for cause" would be defined to include any termination where:

(1) *the Registered Representative has been discharged or has been permitted to resign; (2) there is reason to believe that the Registered Representative, while employed by or associated with the member organization, may have violated any provision of any securities law or regulation or any agreement with or rule of any governmental agency or self-regulatory body, or engaged in conduct that may be inconsistent with just and equitable principles of trade; or (3) the Registered Representative is or was recently the subject of one of more of the following:*

(a) *any investigation or proceeding conducted by any governmental agency or self-regulatory body which has jurisdiction over the securities, insurance, banking, real estate or commodities industry;*

(b) *a refusal of registration, censure, suspension, expulsion, fine or any disciplinary action by any governmental agency or self-regulatory body having jurisdiction over the securities, insurance, banking, real estate or commodities industry;*

(c) *any major complaint of or any legal proceeding brought by a customer of the member organization; or*

(d) *any conviction involving a felony or misdemeanor (other than minor traffic violation).*

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 18573, March 19, 1982) and by publication in the **Federal Register** (47 FR 12896, March 25, 1982). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc 82-12367 Filed 5-5-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18696; File No. SR-MSE-82-3]

Midwest Stock Exchange Inc.; Filing and Immediate Effectiveness of Proposed Rule Change

April 30, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on April 22, 1982, the Midwest Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The MSE proposes to increase the fee for registration of officers and partners of non-NYSE member firms and corporations from $40.00 to $50.00. In its filing with the Commission the MSE has stated that the purpose of this proposed rule change is to bring the fee charged for registration of principals of member organizations in line with the fee for salesman since the processing of either of these applications requires the same administrative time and expense. The NASD currently processes these registrations for all dual MSE-NASD member organizations. The MSE, in its filing with the Commission, has indicated that the statutory basis for the proposed change is section 6(d)(4) of the Act, which provides for the equitable allocation of reasonable dues, fees, and other changes among its members and issuers and other persons using its facilities.

The foregoing change has become effective, pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b-4 under the Act. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission by May 27, 1982. Persons desiring to make written comments should file six copies thereof with the Secretary, and Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-MSE-82-3.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-12368 Filed 5-5-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18695; SR-NYSE-82-3]

New York Stock Exchange, Inc.; Order Granting Accelerated Approval Proposed Rule Change

April 30, 1982.

In the matter of New York Stock Exchange, Inc., 11 Wall Street, New York, N.Y. 10005 (SR-NYSE-82-3).

The New York Stock Exchange, Inc. submitted on March 12, 1982, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and

Rule 19b–4 thereunder, to conform its rules governing capital requirements for NYSE member organizations to the recent amendments to the Commission's Uniform Net Capital Rule (Rule 15c3–1 of the Act) whch will become effective on May 1, 1982.[1]

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34–18618, April 5, 1982) and by publication in the **Federal Register** (47 FR 15945, April 13, 1982). No comments have been received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange in particular, the requirements of Section 6 and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed NYSE rule change prior to the thirtieth day after the date of publication of notice of the filing thereof. Accelerated approval of the subject rule change is necessary to permit NYSE member organizations to avail themselves of the recent amendments to the Commission's Uniform Net Capital Rule which are to become effective on May 1, 1982.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–12369 Filed 5–5–82; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

Approval of Applicant as Trustee

Notice is hereby given that Seattle Trust & Savings Bank, with offices at 804 Second Avenue, Seattle, Washington, has been approved as Trustee pursuant to Pub. L. 89–346 and 46 CFR 221.21–221.30.

Dated: April 28, 1982.

By Order of the Maritime Administrator.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 82–12019 Filed 5–5–82; 8:45 am]

BILLING CODE 4910–81–M

National Highway Traffic Safety Administration

[Docket No. EX82–2; Notice 1]

Boyertown Auto Body Works, Inc.; Petition for Temporary Exemption From Federal Motor Vehicle Safety Standards

Boyertown Auto Body Works, Inc., of Boyertown, Pennsylvania, has petitioned for temporary exemption of its Track Lorry from six Federal motor vehicle safety standards. The basis of the petition is that compliance would cause substantial economic hardship.

Notice of receipt of the petition is published in accordance with NHTSA regulations on this subject (49 CFR 555.7) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Boyertown intends to produce a Track Lorry for the railroad industry to use as a rail track inspection vehicle. But because it is not designed exclusively for use on rails and would make some use of public roads, it is a motor vehicle and required to comply with all applicable Federal motor vehicle safety standards. The standards for which it has requested exemption are No. 203, *Impact Protection for the Driver From the Steering Control System*, No. 204, *Steering Control Rearward Displacement*, No. 208, *Occupant Crash Protection*, No. 212, *Windshield Mounting*, No. 219, *Windshield Zone Instrusion*, and No. 310, *Fuel System Integrity*. The company appears unsure of the extent to which it may already comply with these standards and intends to make a study of it, at a cost to it of $18,000. Retooling costs to comply with these standards could amount to $300,000. It produced 1,000 other types of motor vehicles last year and had a net loss in 1981 of $14,500. It has requested the exemptions for a three-year period.

Boyertown argues that an exemption would be in the public interest and consistent with traffic safety objectives because of its use as a track inspection vehicle and the fact that it would not be operated extensively at high speeds on the public roads.

Interested persons are invited to submit comments on the petition of Boyertown Auto Body Works, Inc. described above. Comments should refer to the docket number and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent possible. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: June 7, 1982.

(Sec. 3, Pub. L. 92–548, 86 Stat. 1159 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on April 27, 1982.

Courtney M. Price,

Associate Administrator for Rulemaking.

[FR Doc. 82–12107 Filed 5–5–82; 8:45 am]

BILLING CODE 4910–59–M

[Docket No. IP82–9; Notice 1]

Dunlop Tire and Rubber Corp.; Receipt of Petition for Determination of Inconsequential Noncompliance

Dunlop Tire and Rubber Corp. of Buffalo, New York, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for an apparent noncompliance with 49 CFR 571.119, Motor Vehicle Safety Standard No. 119, *New Pneumatic Tires for Vehicles Other Than Passenger Cars*. The basis of the petition is that the noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition for a determination of inconsequentiality is published in accordance with section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Paragraph S6.5 of Standard No. 119 requires tires to be marked with certain information on each sidewall. Dunlop has produced 562 tires with incorrect or missing information on both sidewalls. The tire in question is the 10–15 LT Centennial Canyon Climber Nylon Bias Traction with raised white letters. The tires were produced in Buffalo in the 40th, 47th, and 48th weeks of 1981, and the first week of 1982.

[1] Securities Exchange Act Release No. 18417 (January 13, 1982), 47 FR 3512 (January 25, 1982).

The correct sidewall marking for the tire is: 10–15LT, Load Range B, 4 PR, Nylon Tread: 4 Plies/Sidewall: 4 Plies Max Load 1760 lbs. at 30 PSI Cold.

On the raised white letters side the word "POLYESTER" appears instead of the word "NYLON". On the black side or serial side, "Load Range C, 6 PR, Max. Load 2230 lbs. at 45 PSI Cold" appears.

Upon discovery, Dunlop impounded and corrected 345 tires in its possession, so that this petition covers only the remaining 217 tires shipped to the field. It also "began a test program to determine the tires' capability to endure testing to the higher Load Range C requirements of FMVSS 119". In the endurance test (S7.2), the company extended the test at 131% of scheduled load (2921 lbs.) and ran a total of 10,000 machine miles. One tire "showed looseness at the ply turnup afterwards". In the strength test (S7.3), the tire registered 3795 inch-pounds, exceeding "the DOT minimum of 3200 inch-pounds by 18%". The company also conducted hydrostatic burst testing. In summary, Dunlop argues that if the tires are loaded to Range C limits they will perform "very adequately" but that since the correct load and pressure appear on the raised letter side, "the likelihood of excess loading is diminished".

Interested persons are invited to submit written data, views and arguments on the petition of Dunlop Tire and Rubber Corp. described above. Comments should refer to the docket number and submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

The engineer and attorney primarily responsible for this notice are Art Neill and Taylor Vinson, respectively.

Comment closing date: June 7, 1982.

(Sec. 102, Pub. L. 93–492, 99 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.1)

Issued on April 27, 1982.

Courtney M. Price,

Associate Administrator for Rulemaking.

[FR Doc. 82–12109 Filed 5–5–82; 8:45 am]

BILLING CODE 4910–59–M

[Docket No. IP82–10; Notice 1]

Modular Ambulance Corp.; Petition for Exemption From Notice and Remedy for Inconsequential Noncompliance

Modular Ambulance Corp. of Grand Prairie, Texas, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for two apparent noncompliances with 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices and Associated Equipment*, on the basis that the are inconsequential as they relate to motor vehicle safety.

This notice of receipt of a petition is published under section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Standard No. 108 distinguishes between vehicles whose overall width is less than 80 inches, and those of 80 inches or more overall width. The latter are required to be equipped with clearance lamps, to indicate the overall width, and identification lamps, a cluster of three lamps generally located at or near the top, to identify that the vehicle is a wide vehicle. Table II of Standard No. 108 establishes location requirements for lighting equipment. Clearance lamps are to be mounted "to indicate the overall width of the vehicle * * * as near the top as practicable." Identification lamps are to be mounted "as close as practicable to the top of the vehicle * * * with lamp centers spaced not less than 6 inches or more than 12 inches apart."

Modular has produced 60 Type I ambulances between September 1980 and March 1982 in which the front clearance and identification lamps have not been located as close as practicable to the top of the vehicle; they have been located on the truck cab roof rather than the top of the ambulance module behind the cab.

Furthermore, the identification lamp cluster on the rear has its lamp centers spaced at 5¾ inches, slightly under the minimum of 6 inches established by Table II.

Modular argues that the noncompliances are inconsequential "because they do not represent a safety hazard to the vehicle occupants, or to traffic * * *" As a practical matter, it would cost $21,000 to repair all vehicles, two-thirds of which are "over 1,500 miles from our plant location."

Interested persons are invited to submit written data, views and arguments on the petition of Modular Ambulance Corp. described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered.

The application and supporting materials and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

The engineer and attorney principally responsible for this notice are Marx Elliott and Taylor Vinson, respectively.

Comment closing date: June 7, 1982.

(Sec. 102, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on April 27, 1982.

Courtney M. Price,

Associate Administrator for Rulemaking.

[FR Doc. 82–12108 Filed 5–5–82; 8:45 am]

BILLING CODE 4910–59–M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 88
Thursday, May 6, 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

COMMODITY FUTURES TRADING COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 17156, April 21, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2 p.m., April 30, 1982.

CHANGES IN THE MEETING: The Oral Argument before the Commission in the Matter of Indiana Farm Bureau Cooperative Association, Inc., and Louis M. Johnston—CFTC Docket No. 75-14, has been changed to 2:00 p.m., May 21, 1982, in the 5th floor Hearing Room, 2033 K Street, NW., Washington, D.C.

[S-671-82 Filed 5-4-82; 3:53 pm]

BILLING CODE 6351-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 1:55 p.m. on Saturday, May 1, 1982, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to make funds available for the payment of insured deposits in Carroll County Bank, Huntingdon, Tennessee, which was closed by the Commissioner of Banking for the State of Tennessee on Friday, April 30, 1982.

At that same meeting, the Board of Directors (1) received sealed bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in Coles County National Bank of Charleston, Charleston, Illinois, which was closed by the Acting Comptroller of the Currency on Saturday, May 1, 1982; (2) accepted the bid for the transaction submitted by the newly-chartered Eagle Bank of Charleston, Charleston, Illinois; (3) approved the application of Eagle Bank of Charleston, Charleston, Illinois, for Federal deposit insurance and for consent to purchase the assets of and assume the liability to pay deposits made in Coles County National Bank of Charleston, Charleston, Illinois; and (4) provided such financial assistance, pursuant to section 13(e) of the Federal Deposit Insurance Act (12 U.S.C. 1823(e)), as was necessary to effectuate the purchase and assumption transaction.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. Paul M. Homan, acting in the place and stead of Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), (c)(9)(A) (ii), and (c)(9)(B)).

Dated: May 3, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-667-82 Filed 5-4-82; 11:13 am]

BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2 p.m. on Monday, May 3, 1982, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague, concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Memorandum and Resolution re: Delegation of Authority to the Executive Secretary to Extend Hearing Dates in Administrative Enforcement Proceedings.

Memorandum and Resolution re: San Francisco Regional Office—Ecker Square Condominium Office Building.

Memorandum and Resolution re: Proposed Revisions of the "Delegations of Authority Relating to the Staffing Table."

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,214-L—Franklin National Bank, New York, New York.

By the same majority vote, the Board further determined that no earlier notice of these changes in the subject matter of the meeting was practicable.

Dated: May 3, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-668-82 Filed 5-4-82; 11:13 am]

BILLING CODE 6714-01-M

4

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, May 11, 1982, 10 a.m.

PLACE: 1325 K Street, NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance. Litigation. Audits. Personnel.

* * * * *

DATE AND TIME: Thursday, May 13, 1982, 10 a.m.

PLACE: 1325 K Street, NW., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:
Setting of dates for future meetings
Correction and approval of minutes
Advisory opinions:
Draft AO 1982–4: Lee Witt, Jerry Apodaca for U.S. Senate Committee
Draft AO 1982–26: Robert E. Moss, American Public Power Association
Draft AO 1982–30: Vincent R. Agnelli, President, Sunrise-Sunset Corp.
Draft AO 1982–32: Jay B. Meyerson, Jackson Can Win Committee
Party committee expenditures
Legislative recommendations
Appropriations and budget
Routine administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; Telephone: 202–523–4065.

Marjorie W. Emmons,
Secretary of the Commission.

[S-669-82 Filed 5-4-82; 3:14 pm]
BILLING CODE 6715-01-M

5

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9 a.m., May 12, 1982.

PLACE: Hearing Room One, 1100 L Street, NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Petition of National Customs Brokers and Forwarders Association requesting Commission investigation concerning alleged concerted action of conferences to limit payment of freight forwarder compensation on bunker and currency surcharges.

Portions closed to the public:

1. Docket No. 79–59: Stute International, Inc.—Independent Ocean Freight Forwarder Application—Consideration of the record.
2. Docket No. 79–9: Prudential Lines, Inc. v. Continental Grain Company—Consideration of the record.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523–5725.

[S-666-82 Filed 5-4-82; 10:45 am]
BILLING CODE 6730-01-M

6

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

April 30, 1982.

TIME AND DATE: 2 p.m., Wednesday, April 28, 1982.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Closed (Pursuant to 5 U.S.C. 552(c)(10)).

MATTERS TO BE CONSIDERED: The Commission considered and acted upon the following:

1. Jones and Laughlin Steel Corporation, Docket No. PENN 81–96–R.

Vote.—Voting to Close the Meeting: Chairman Collyer, Commissioners Backley, Jestrab, Lawson. It was determined by this vote that Commission business required that this meeting be closed.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653–5632.

[S-665-82 Filed 5-4-82; 10:16 am]
BILLING CODE 6735-01-M

7

FEDERAL RESERVE SYSTEM

Board of Governors

TIME AND DATE: 10 a.m., Wednesday, May 12, 1982.

PLACE: Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED: *Summary Agenda:* Because of their routine nature, no substantive discussion of the following items is anticipated. These matters will be voted on without discussion unless a member of the Board requests that an item be moved to the discussion agenda.

1. Proposed revision and extension of the Survey of Terms of Bank Lending (FR 2028A, A–S, and FR 2028B).
2. Proposed revision and extension of the Survey of Debits to Demand and Savings Deposits Accounts (FR 2573).
3. Proposed weekly survey on holdings of overnight Eurodollar deposits for selected money market mutual funds.
4. Consideration of the application by Prudential Funding Corporation for an exemption from Regulation G (Securities Credit by Persons other than Banks, Brokers, or Dealers), to make unsecured loans to affiliates.

Discussion Agenda:

5. Proposed amendment to Regulation T (Credit by Brokers and Dealers) to permit brokers and dealers to borrow and lend securities against letters of credit and government securities. (Proposed earlier for public comment; Docket No. R–0370.)
6. Proposed amendments to Regulations G (Securities Credit by Persons other than Banks, Brokers, or Dealers), T (Credit by Brokers and Dealers), and U (Credit by Banks for the purpose of Purchasing or Carrying Margin Stocks), changing the criteria for inclusion of a stock on the List of OTC Margin Stocks. (Proposed earlier for public comment; Docket No. R–0372.)
7. 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: May 4, 1982.

James McAfee,
Associate Secretary of the Board.

[S-670-82 Filed 5-6-82; 8:45 am]
BILLING CODE 6210-01-M

8

INTERNATIONAL TRADE COMMISSION

[USITC SE–82–15B]

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 16701, April 19, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2:30 p.m., Wednesday, May 12, 1982.

CHANGES IN THE MEETING: Emergency notice to add an additional item to agenda.

By action jacket SE–82–6, the United States International Trade Commission, in conformity with 19 CFR 206.37(b), voted to add the following item to its agenda for the meeting of Wednesday, May 12, 1982:

4. (b) Plastic-capped decorative emblems (Docket No. 815).

Commissioners Alberger, Calhoun, Stern, Eckes, Frank, and Haggart determined by recorded vote that Commission business requires the change in subject matter by addition of the agenda item, and affirmed that no earlier announcement of the addition to the agenda was possible, and directed the issuance of this notice at the earliest practicable time.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

[S-672-82 Filed 5-4-82; 3:59 pm]
BILLING CODE 7020-02-M

9

NUCLEAR REGULATORY COMMISSION

DATE: Week of May 10, 1982.

PLACE: Commissioners' Conference Room, 1717 H Street, NW. Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE CONSIDERED: *Monday, May 10:*

2:30 p.m.:
Briefing on Revised Value-Impact Procedures and Guidelines re EO12291 (public meeting)

Tuesday, May 11:

10:30 a.m.:
Briefing on Status of Regionalization (public meeting)
2:00 p.m.:
Briefing on Long Range Research Plan (public meeting)

Wednesday, May 12:

10:00 a.m.:
Discussion of Management-Organization and Internal Personnel Matters (closed)
2:00 p.m.:
Status Report on Capability of Reactors to Go to Cold/Hot Shutdown (public meeting)

Thursday, May 13:

10:00 a.m.:
Briefing on Report from the Reactor Operator Qualifications Peer Review Panel (public meeting)
3:00 p.m.:
Affirmation/Discussion Session (public meeting)
a. 10 CFR Part 50—Proposed Rule To Clarify Applicability of License Conditions and Technical Specifications in an Emergency
b. NRDC Motion To Supplement the Record of the Waste Confidence Proceeding.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

May 3, 1982.

Walter Magee,

Office of the Secretary.

[S–673–82 Filed 5–4–82; 4:01 pm]

BILLING CODE 7590–01–M

federal register

Thursday
May 6, 1982

Part II

Department of Health and Human Services

Social Security Administration

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

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 404

[Regulation No. 4]

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

AGENCY: Social Security Administration, HHS.

ACTION: Proposed rules.

SUMMARY: These proposed amendments revise the medical evaluation criteria for both the title II and title XVI disability programs. These criteria were last revised in 1979. The proposed revisions reflect advances in the medical treatment of some conditions and in the methods of evaluating certain impairments. These proposals will provide up-to-date medical criteria for use in the evaluation of disability claims.

DATE: We will consider your comments if we receive them no later than July 6, 1982.

ADDRESSES: Send your written comments to the Commissioner of Social Security, Department of Health and Human Services, P.O. Box 1585, Baltimore, Maryland 21203, or deliver them to the Office of Regulations, Social Security Administration, 3–A–3 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235 between 8:00 a.m. and 4:30 p.m. on regular business days.

Comments received may be inspected during these same hours by making arrangements with the contact person shown below.

FOR FURTHER INFORMATION CONTACT: William J. Ziegler, Legal Assistant, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone 301–594–7415.

SUPPLEMENTARY INFORMATION:

The Programs

The Social Security Act provides, under title II, for the payment of Federal disability insurance benefits to individuals insured under the Social Security Act. The Act also provides, in title XVI, for the payment of benefits under the Supplemental Security Income program to persons who are blind or disabled and have limited income and resources. Under both programs, blindness means a central visual acuity of 20/200 or less in the better eye with use of a correcting lens. An eye which is accompanied by a limitation in the field of vision so that the widest diameter of visual field subtends an angle no greater than 20 degrees shall be considered as having a central visual acuity of 20/200 or less. Disability under both programs means the inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of at least 12 months.

The Listing of Impairments

The medical criteria for evaluating disability and blindness without considering vocational factors are found in the Listing of Impairments (the Listing). From the beginning of the disability program in 1955, there has been an established list of medical impairments which, in and of themselves, are considered sufficient to preclude any gainful activity, absent evidence to the contrary. The original Listing was based upon advice from a national group of medical advisors and, in part, the experience of other agencies administering disability programs. As the Social Security Administration gained experience in evaluating disability claims, the Listing was periodically reviewed and revised as appropriate. Changes in the Social Security law also have affected the Listing.

In 1968, after over a decade of operating experience, the Listing was revised and incorporated into the regulations as an appendix to Subpart P of Part 404. This appendix is presently divided into a Part A and a Part B. The criteria in Part A apply mainly to evaluating impairments of adults but may be appropriate in some cases to evaluating impairments in children under age 18. Part B of Appendix 1 contains medical criteria for the evaluation of impairments of children under age 18, where criteria in Part A do not give appropriate consideration to the particular disease processes in childhood. Part B was initially included in Appendix 1 of Subpart I of Part 416 in 1977, subsequent to the enactment of the Supplemental Security Income Program. While Part B applies mainly to claims under title XVI, it also applies in evaluating some claims under the title II disability insurance program.

In 1979, the Listing was updated again to reflect advances in the medical treatment of some conditions and in the methods of evaluating certain impairments. These revised rules were published in the **Federal Register** (44 FR 18170) on March 27, 1979. Until 1980, the Listing was contained in the regulations as an appendix to Subpart P of Part 404 (title II disability program) and also as an appendix to Subpart I of Part 416 (title XVI disability program). In recodifying these subparts in 1980, we took the medical criteria used in making disability determinations out of Part 416 and placed them only in Appendix 1 of Subpart P of Part 404. This was done to eliminate repetition in our regulations, since the same medical criteria generally apply to both the title II and title XVI disability programs. In view of the fact that Parts 404 and 416 are both published in Chapter III (Parts 400 to 499) of title 20 of the Code of Federal Regulations (CFR), this material is available to everyone in one volume of the CFR. This recodification was published in the **Federal Register** (45 FR 55566) on August 20, 1980. No further revisions in the Listing were made after that date.

The listing includes medical conditions frequently diagnosed for people who file for disability benefits. It describes, for each of the 13 major body systems, impairments that are severe enough to prevent a person from doing gainful activity. Most of the listed impairments are permanent or are expected to result in death, or a specific statement of duration is made. The evidence must show that the impairment has lasted or can be expected to last for a continuous period of not less than 12 months.

Purpose of the Listing

Using the Listing should assure that our disability determinations have a sound medical basis, that we will be able to treat equally all persons applying for disability benefits who are similarly situated, and that we will be able to readily identify those persons who are unable to do any gainful activity. The Listing sets out medical impairments which, in and of themselves, are considered severe enough to preclude gainful work, absent evidence to the contrary. Thus, if a person's impairment or combination of impairments equals or exceeds the level of severity described in the Listing, we find that he or she is disabled solely on the basis of the medical facts, unless we have evidence to the contrary; for example, evidence that the person is actually doing substantial gainful activity.

The Listing does not include all impairments. An unlisted impairment or impairments may be determined to be medically equivalent to an impairment contained in the Listing.

How We Use the Listing

Since the Listing contains the medical criteria we use for evaluating disability, it is an essential tool in the disability evaluation process. In determining whether or not a person's impairment constitutes a disability, we normally follow a sequential evaluation process. We do not go through this sequence for title II claims of widow(er)s, or SSI claims of children under age 18. This process consists of 5 steps as follows:

(1) If the person is actually doing substantial gainful activity, we determine that he or she is not disabled, no matter how severe his or her impairment(s) may be.

(2) If a person does not have any impairment(s) which significantly limits his or her physical or mental capacity to perform basic work-related functions, we determine that he or she does not have a severe impairment and is not disabled, without considering the person's age, education and work experience.

(3) If a person has an impairment(s) that is described in the Listing or has one or more impairments medically equal to one of the listed impairments (and meets the duration requirement) and is not actually engaging in substantial gainful activity, we determine, without considering his or her age, education and work experience, that the person is disabled.

(4) If a person has a severe impairment which does not meet or medically equal any of the listed impairments and is not actually doing substantial gainful activity, we evaluate the person's residual functional capacity and consider the physical and mental demands of his or her past work. If we find that the person can do his or her past work, we determine that the person is not disabled.

(5) If a person cannot do any work that he or she did in the past because of a severe impairment(s), but has the remaining physical and mental capacities to meet the demands of other jobs that exist in significant numbers in the national economy, we determine that the person is not disabled. To make this determination, we consider, in addition to the impairment, the person's age, education, and work experience, including the presence of any acquired work skills that can be transferred to other jobs. If, however, the person's physical or mental capacities, together with the factors of age, education, and work experience, do not permit an adjustment to work different from work the person did in the past, we determine that the person is disabled.

Consultative Examinations

When necessary, we obtain additional medical findings to resolve the issue of medical severity. We obtain these medical findings by the use of consultative medical examiners at no expense to the applicant. It is not practicable, however, to obtain some types of findings by such a medical examination, either because hospitalization is required or because it is questionable whether an individual should be required to undergo a highly specialized procedure for the sole purpose of disability evaluation. However, many tests of this type are frequently used during the ordinary course of medical treatment and, when available, are of great value in the evaluation of disability. Therefore, while several tests of this type are mentioned in the medical criteria, in each case they are accompanied by a statement that they should be obtained independently of the Social Security disability evaluation process since we will accept this evidence, if available, but will not request that an individual undergo those tests.

Proposed Amendments

We are proposing revisions in the medical criteria for 11 of 13 body system listings in Part A of Appendix 1, including numerous revisions and a major reorganization of the respiratory system listing. In Part B of Appendix 1 we are proposing revisions in 5 body system listings. However, the background explanations and the listed impairments for all the body system listings in both Part A and Part B of Appendix 1 are being shown in full to provide a more complete explanation of each system listing, to show the relation of the medical evaluation criteria, and to give the public a better understanding of the Listing in general and the purposes of the changes.

The medical input for these revisions was supplied by three groups of physicians. The revisions were initially proposed by the Medical Consultant Staff of the Office of Disability Programs, whose members represent all medical specialties. Conferences were then held with other physicians employed by Social Security Regional Offices and Disability Determination Services, the State agencies that make disability determinations for us. After a preliminary consensus was reached, the revisions were then submitted for comment to all SSA Regional Office and State Disability Determination Services medical staffs, which resulted in further modifications.

Following is a summary of the proposed changes in each of the body system listings being revised, including proposed changes in the prefaces that introduce each body system listing and explain how the Listing is used in connection with the specific body system. We invite your comments about these changes.

Revisions to Part A of Appendix 1

1.000 Musculoskeletal System

Listing 1.02, which provides findings for the evaluation of rheumatoid arthritis, refers to joint changes that are found in severe, active arthritis. There has been some misunderstanding as to which joints this listing applies. To clarify this, section A of this listing will be revised by inserting the word "major" before the word "joints." This addition makes it clear that this listing would not be met by the involment of isolated small joints of the hands or feet. Wording has also been added to make it clear that the joints that are affected must show significant restriction of function.

Section B of this listing gives findings that confirm the diagnosis of rheumatoid arthritis. A fourth finding will be added: a biopsy report showing tissue changes characteristic of rheumatoid arthritis. This finding has not been included in this listing for several years because it is not obtained by treating physicians as frequently as the others cited, and when it is included in medical reports, in most cases other findings in the current listing are also reported. Its inclusion will, however, expedite the disability determination in the event a biopsy report is the only confirming finding reported in a particular case.

Section B of Listing 1.03, which provides findings to evaluate arthritis of the hip, specifies a condition in which the hip becomes fixed at an unfavorable angle. This section will be deleted, since findings showing the fixation of a hip at an unfavorable angle are seldom reported and may not properly reflect the required level of severity intended by the listings. Hip impairments caused by arthritis will be evaluated under section A of the Listing, which provides medical descriptions that are more often associated with severe limitations of standing and walking because of a hip impairment.

A revision will also be made in section A. Specific reference to hip and knee joints will be added to the current statement, which now can be interpreted to include the ankle joint. This change is necessary because the condition described in this section,

when it occurs in the ankle, does not produce a level of impairment comparable to that produced in the hip or knee.

Listing 1.04 provides medical findings that establish a disabling impairment of the upper extremities, including the shoulder joints, because of arthritis. One requirement is a finding of joint enlargement or effusion. This requirement is now located in the heading of this listing, which indicates that it pertains to all sections within the listing, including the section for the evaluation of shoulder joints. For shoulder joints, joint enlargement or effusion cannot be reliably detected by physical examination. Therefore, this requirement will be removed from the heading of this listing and placed in section B, the section that applies to joints of the upper extremity other than the shoulder joint.

Listing 1.08 provides findings for osteomyelitis. These findings are equally valid for another condition, septic arthritis, and the title of this listing will be expanded to include both conditions. Also, one of the medical signs of osteomyelitis, drainage, will be deleted from this listing, because it has been found to be a less reliable finding for evaluation than the others cited.

Section C of Listing 1.10 concerns complications following a leg amputation that can prevent walking effectively with an artificial leg. A key requirement of this section is that the complication must prevent unassisted walking. This is currently expressed by a phrase referring to the need to use "obligatory assistive devices." This will be replaced with more concrete language that makes it clear that the devices intended are those that provide support to both arms or shoulders, such as a walker or crutches, as contrasted to one arm assistance, such as provided by a cane.

The term "mobility restrictions" in Listing 1.10C.4 has also been clarified.

2.00 Special Senses and Speech

Section 2.00 is an introductory section that includes general principles to be used in the listings that concern loss of sight, hearing and speech. A new paragraph will be added to Section A to explain the technical specifications for the Goldman perimeter, a commonly used method of measuring one aspect of vision. The word "spectacle" has been entered in the first paragraph of section 2.00A.3. This is to indicate that contact lenses may be worn during the performance of the visual test described.

3.00 Respiratory System

Extensive changes will be made in this system, both in the introduction and the listings themselves. A number of evaluation revisions have been made. In addition, there has been a reorganization in order to make the presentation easier for disability evaluators to use. This is especially important in this system because many of the listings are interrelated by their mutual dependence on tables that give values for breathing tests. In view of the extensive changes, this system has been completely rewritten.

The major revisions of the introduction, section 3.00 are as follows:

Section A of 3.00 will be expanded to give a detailed discussion of the approach to the evaluation of respiratory diseases. This includes a discussion of how disability occurs because of lung diseases, and the place of breathing tests and tests of gas exchange (exchange between the lungs and blood) in the evaluation of disability.

Section B will be expanded to include the evaluation approach to most of the lung infections that are of concern for disability evaluation. Currently, this section is confined to a discussion of one general type of lung infection, which is caused by mycobacteria, primarily tuberculosis. The revision will apply the same evaluation approach to conditions caused by mycotic organisms. The course of these two types of infection and their response to treatment do not justify separate principles of evaluation.

Section D concerns the use of breathing tests in the evaluation of disability. The title of this section has been changed to more accurately describe its content—from "documentation of pulmonary insufficiency" to "documentation of ventilatory function tests." A sentence has been added to the second paragraph of this section to specify that height, which is used in tests of breathing to predict normal values, should be measured without shoes. Another change in this paragraph provides a highly technical addition that describes the calibration of units of volume on equipment that records breathing function.

A new section, section E, will be added to the introduction. This section will give a more complete explanation of the use of tests that determine the adequacy of the exchange of gases between the lungs and blood. It also gives a more complete discussion of the place of these tests in disability evaluation. This includes the evidence that shold be obtained before resorting to this type of testing. This is an important consideration because the tests are highly specialized and expensive, and should be used only in the small percentage of cases in which they are essential.

Numerous changes are also being made in the listings for specific lung diseases.

Listing 3.02, which currently gives criteria for one type of lung condition, has been expanded to include evaluation of the various types of lung conditions that result in permanent impairment of breathing or in the capacity to exchange gases between the lungs and blood. This will simplify the cross referencing of different listings that are based, in part, on these tests, and will give a more unified presentation of how the values obtained from breathing tests relate to evaluation.

In addition to this basic reorganization, a number of technical changes will be included in the revised listing. Table 1, the table for obstructive pulmonary disease, will contain technical adjustments to make the two values used in this table more consistent. Revision of the values will also be made to make them more accurate for taller individuals.

Listing 3.02B, which includes the evaluation of spinal curvatures that diminish breathing, will specify that when the spine is deformed to the extent that it distorts height, arm span should be substituted for height in interpreting the results of breathing tests.

The data for the measurement of gas exchange in Listing 3.02C have been expanded to include values for testing during controlled exercise. Another revision in this section will recognized the influence of air pressure differences, because of elevation, on the tests of gas exchange. Separate tables will be provided based on the elevation at which the test is performed.

Listing 3.03 provides for the evaluation of chronic asthma, by giving criteria for the frequency of attacks, their severity, and the presence of remaining symptoms between severe attacts. Language will be added to the last sentence of section B of this listing to emphasize that findings between attacks must be documentated by medical examinations.

A significant change will be made in Listing 3.09, the listing that gives criteria for mycotic lung infections. Currently, this infection is evaluated by findings indicating continuing infection. The change will provide for evaluation of the permanent lung damage caused by the disease after the acute infection is past. This revision is based on changing

treatment which makes it improbable that this condition will meet the 12 months duration required for a finding of disability. (However, an evaluation approach to rare cases of prolonged infection is contained in section 3.00B.)

Listing 3.12, the listing for fistulas that arise from the pleura, or covering of the lung, will be deleted. It is now obsolete because of surgical and medical treatment. Fistulas of this type are now often of short duration or, if prolonged, are improved to the extent that they do not reflect the severity intended when this listing was first published. The existing listings now provide for adequate evaluation of fistulas on the basis of the primary medical conditions that cause them.

4.00 Cardiovascular System

Section 4.00 is an introduction to the listings for heart conditions and other vascular diseases. Several items in this introduction will be changed. The fourth paragraph of subsection F.1 will be revised to make it clear that descriptions of electrocardiograms are not sufficient for disability evaluation, and that a copy of the electrocardiogram must also be submitted. A sentance has been added after the second sentence of the first paragraph of subsection F.2 to explain that a type of electrocardiogram reading, called a posthyperventilation tracing, may be essential to evaluate people with certain medical conditions.

The following segment has been deleted from the first sentence of subsection G.2 of this introduction: "as typified by the Bruce protocol." This protocol, a well-known procedure used in treadmill testing for heart conditions, was used as an example. The increasing use of treadmill exercise tests in the medical management of heart conditions now makes this example unnecessary.

The first paragraph of subsection G.3 lists conditions in which treadmill exercise testing should not be obtained for the evaluation of heart disease, in most cases because of the potential hazard. Another situation, involving the recent onset of chest pains that are considered to be caused by a heart condition, will be added to the first paragraph. This is widely recognized by physicians as a reason for delaying this type of testing.

A sentence has been added at the end of section I in recognition of the increasing use of echocardiography, a method of determining the characteristics of heart conditions. This sentence points out that this method may not be a conclusive test for specific heart conditions.

Another addition to this introductory section concerns vascular disease of the legs rather than heart disease. This addition, section K, gives background material on how a medical technique (Doppler study) is used for the measurement of the adequacy of blood circulation in the legs.

Section A of Listing 4.04 contains technical requirements for findings obtained from electrocardiograms made during exercise. Two revisions to the section are proposed—one in item 1, another in item 2. Both concern one aspect of an electrocardiogram, called the ST segment. The first revision provides more detail on the measurement of this aspect of the electrocardiogram; the second adds an additional characteristic of this measurement that can verify an abnormality of heart function. Section D of this listing will also be revised by adding evidence obtained by the radioisotopic method, a method that is being increasingly used by physicians to determine the characteristics of heart abnormalities.

The title of Listing 4.13 will be changed to "peripheral arterial desease." This replaces a title that cites two common conditions that often produce severe impairment because of decreased functioning of the arteries in the legs. The revised title makes it clear that evaluation under this listing is not restricted to conditions with these two specific diagnoses. Section B of Listing 4.13 concerns testing the adequacy of blood flow in the legs by using a technique (Doppler study) that detects blood flow by sound waves. The required values from this test, which are now contained in supplemental instructions, will be included in the listing.

5.00 Digestive System

Section A of Listing 5.05 gives one of several findings used to confirm advanced, chronic liver disease. This is based on bleeding from lesions (varices) that are caused by liver disease. While this is usually a good indicator of disabling liver disease, in some cases prolonged periods of improvement can occur after bleeding of this type. Therefore, this section will be revised to state that when bleeding has not occurred for 12 months at the time disability is being considered, this factor alone will not be used to establish that liver disease is disabling. A similar change has been made in section B of this listing. In this case, the need for surgery for these lesions caused by liver disease is used as a measure of the severity of the condition. The same 12-month statement will be added because in some cases prolonged improvement occurs after this surgery. A new section, D, will be added to Listing 5.05. This is based on another reliable indicator of advanced liver disease, the accumulation of fluid in the abdomen. Presently, there is a section, 5.05F.1, that uses this finding in combination with evidence from a liver biopsy. This new section will allow this finding to be used in the absence of liver biopsy, and substitutes for equivalent meaning a requirement that the fluid accumulation must be present for a longer period of time than is required when a liver biopsy has been obtained. In the same listing, the phrase "for at least 3 months" has been added at the end of subsection 2 of section F. This corrects a printing omission made during a prior revision.

Listing 5.08 uses extreme weight loss as a measure of the severity of diseases of the intestines and other organs of the gastrointestinal system. Language will be added to the heading of this listing to emphasize that the weight loss must be persistent. This addition is needed to prevent this listing from being applied to gastrointestinal conditions which, though severe, are subject to definite improvement over a period of less than 12 months.

7.00 Hemic and Lymphatic System

Section 7.00 is an introduction to the listings for blood diseases. A sentence will be added to section E, the part of this introduction that concerns the evaluation approach to acute leukemia. This addition will specify that a phase of one type of chronic leukemia should be evaluated in the same manner as acute leukemia. This is necessary because the usual course for this phase of chronic leukemia is similar to that for acute leukemia.

An additional finding showing chronic anemia will be added to the listing for sickle cell disease. This measure of chronic anemia, added as section C of Listing 7.05, is already included in the listing for sickle cell disease for children under 18 in Part B. Its inclusion in the adult listing will facilitate proper decisions for young adults with this condition.

Listing 7.12, the listing for chronic leukemia, will retain the same wording, but the concluding references to other listings will be changed, with the addition of references to Listings 7.11 and 7.17. This is made necessary by the addition of another listing, 7.17, and the additional consideration of one phase of chronic leukemia discussed in the explanation of the change in section 7.00E. See the explanation of the revision of section 7.00E and Listing 7.17

for a further understanding of the purpose of the additional references.

Listing 7.16 provides findings for a type of bone tumor that produces changes in the blood. Reference to pathological bone fracture, fractures which occur without definite trauma, has been removed from section A of the listing. Another listing, 1.11, gives more accurate criteria for this condition than provided in this listing.

A new listing, 7.17, will be added to recognize the treatment of severe anemias and blood malignancies by the transplantation of bone marrow. It will provide for consideration of the improvement that occurs in many cases after this method of treatment.

9.00 Endocrine System

One word has been changed in section C of Listing 9.08, the listing for diabetes mellitis. The work "vascular" will be replaced with "arterial," because this condition is caused by disease of the arterial system in the legs rather than in the veins of the leg.

10.00 Multiple Body Systems

Section 10.00 is an introduction to the listings for conditions that affect several body systems. Item B of this introduction concerns the evaluation approach to massive obesity and provides background information on the use of Listing 10.10, the listing for extreme obesity. Both this part of the introduction and the listing for obesity will be revised on the basis of experience gained in the evaluation of extreme obesity. The revision contains tables which provide weights that are approximately 100 percent above the average weights for men and women of specific heights. Experience has shown that when obesity reaches these extremes disabling complications may be assumed on the basis of impairments of the respiratory, cardiovascular or musculoskeletal systems. Therefore, when a person's weight meets or exceeds the appropriate weight in the tables, disability will be established. Disability may occur in association with obesity that is less than that shown on these tables. Thus, the introductory section, 10.00B, will state that impairments of various body systems may be complicated by extreme obesity, although the person's weight is not as great as that shown in the tables, and must be evaluated.

11.00 Neurological

Section 11.00 is an introduction to the listings for the evaluation of neurological impairments. Item A of this introduction includes the approach to the evaluation of epilepsy. Additional language added to the third paragraph will specify that a medical test (determination of drug levels in the blood serum) must be considered in determining whether prescribed medication for seizures is being taken. This revision is necessary because of the increasing ability to control seizures by using proper drug therapy regimens. Item B of this introduction concerns brain tumors, which often cause disability by affecting the nervous system. A change in the first sentence of section B of this introduction points out that the diagnosis and persistence of brain tumors should be determined before applying the findings in the neurological listings. The listings used to evaluate brain tumors provide only descriptions of signs, symptoms and findings. These descriptions cannot be used without consideration of the specific type of tumor involved, because characteristics of these tumors vary. Some respond rapidly to surgery or other treatment and the neurological findings in the listings may in some cases be temporary. A change will also be made in the last sentence of section B of the introduction. The word "benign" will be removed from before the word "tumor." For certain brain tumors, the distinction between benign and malignant tumors may be controversial, but the distinction is not important for the proper use of the listing.

12.00 Mental Distorders

The name of the well-known intelligence test (Wechsler Adult Intelligence Scale) referred to in this preface has been changed to show the name for the latest version of this test (Wechsler Adult Intelligence Scale-Revised).

13.00 Neoplastic Diseases

Several changes will be made in section C of the introduction to the listings for the evaluation of neoplastic diseases. In the first and fourth paragraphs, wording changes will be made that do not change the substance. An added fifth paragraph will state that the neoplastic listings do not apply in cases where the original tumor and any spread from it have disappeared for 3 or more years. Although the conditions described in these listings are those in which improvement is unlikely, varying responses to therapies make this time qualification necessary.

Listing 13.03 will be revised to ensure there will be no misunderstanding of the extent of tumor spread that is intended. The reference to lymph nodes in section B will be replaced with a reference to the specific nodes intended—the regional lymph nodes. Similar changes have been made in Listings 13.21C, 13.22B, and 13.28B.

In Listing 13.21, a change will also be made in section B to specify the type of tumor spread required.

Listing 13.13, which provides for the evaluation of malignant lung tumors, will be revised to reflect current medical knowledge about the expected course of different types of lung tumors. Sections D and E of this listing will provide different standards based on the extent of tumor spread, depending on the type of tumor shown by cell examination.

Section A of Listing 13.16 current provides different standards for tumors of the esophagus, depending on the location of the tumors, with evidence of greater tumor spread being required for those located in the lower part of the esophagus. The revision will eliminate the separate requirement. Program and general medical experience have not shown that there are sufficient differences in the course of these tumors to justify a requirement of greater spread for tumors located in the lower part of the esophagus.

The requirement in Listing 13.19, section C, for one type of tumor of the bile ducts will be revised. Evidence of the extension of this tumor from the original location will no longer be required. This is based on additional medical data showing the usual course of tumors in this area.

Two additional listings will be provided for this body system: 13.29, which gives evaluation criteria for one type of malignant tumor of the penis; and 13.30, which gives criteria for the vulva. The requirements for both are based on the expected course of these conditions, considering available treatment.

Revisions to Part B of Appendix 1

101.00 Musculoskeletal System

Listing 101.02 gives findings for children with rheumatoid arthritis. Section A of this listing now specifies that signs of joint inflammation must persist or recur despite 6 months of medical treatment. This period will be changed to 3 months, the period now specified for the comparable adult listing, which is sufficient time to establish a chronic condition for the purpose of disability evaluation.

102.00 Special Senses and Speech

Listing 102.08 provides standards to measure hearing loss in children. The hearing threshold in B1, which applies to older children, will be revised to conform to the threshold in the comparable adult listing.

106.00 Genito-Urinary System

Listing 106.02 provides laboratory values for the evaluation of chronic kidney disease in children. These laboratory findings will be revised to make them consistent with those in the comparable adult Listing, by eliminating use of BUN findings and substituting laboratory findings based on creatinine values, which are more reliable measures of chronic kidney disease.

112.00 Mental and Emotional Disorders

The name of the well-known intelligence test (Wechsler Adult Intelligence Scale) referred to in this preface has been changed to show the name for the latest version of this test (Wechsler Adult Intelligence Scale-Revised).

113.00 Neoplastic Diseases

Listing 113.02 provides medical criteria for malignant tumors that involve the lymph system. Section A of this listing will be revised to provide separate criteria for Hodgkin's disease. The revision states that Hodgkin's disease must be shown to be progressive and uncontrolled by prescribed therapy. General medical experience over the past several years has shown increasingly successful treatment of this condition.

Executive Order 12291. These regulations have been reviewed under Executive Order 12291 and do not meet any of the criteria for a major regulation. The revisions are of a technical-medical nature and no significant change in disability allowance and denial rates is expected. Therefore, a regulatory impact analysis is not required.

Regulatory Flexibility Act. We certify that these regulations will not, if promulgated, have a significant economic impact on a substantial number of small entities because they only affect disability determinations under title II and title XVI of the Act.

Paperwork Reduction Act. These regulations impose no reporting/recordkeeping requirements necessitating OMB clearance.

The proposed amendments are issued under the authority contained in sections 205, 216(i), 223, 1102, 1614(a) and 1631 of the Social Security Act, as amended; 53 Stat. 1668, as amended; 66 Stat. 771, as amended, 70 Stat. 815, as amended; 49 Stat. 647, as amended; 86 Stat. 1471(a); 86 Stat. 1475; 42 U.S.C. 405, 416(i), 423, 1302, 1382c(a) and 1383.

(Catalog of Federal Domestic Program Nos. 13.802, Social Security-Disability Insurance; 13.807, Supplemental Security Income Program)

List of Subjects in 20 CFR Part 404

Administrative practice and procedure; Death benefits; Disabled; Old-Age, Survivors and Disability Insurance.

Dated: March 9, 1982.

John A. Svahn,

Commissioner of Social Security.

Approved: April 16, 1982.

Richard S Schweiker,

Secretary of Health and Human Services.

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950———)

For the reasons set out in the preamble, Part 404, Subpart P, Chapter III of Title 20, Code of Federal Regulations, is amended as set forth below.

20 CFR Part 404, Subpart P is amended as follows:

The authority citation for Subpart P reads as follows:

Authority: Issued under Secs. 202, 205, 216, 221, 222, 223, 225, and 1102 of the Social Security Act, as amended; 49 Stat. 623, as amended, 53 Stat. 1368, as amended, 68 Stat. 1080, as amended, 68 Stat. 1081, as amended, 68 Stat. 1082, as amended, 70 Stat. 815, as amended, 70 Stat. 817, as amended, 49 Stat. 647, as amended; 42 U.S.C. 402, 405, 416, 421, 422, 423, 425, and 1302.

2. In Part 404. Appendix 1 (Listing of Impairments) of Subpart P is revised to read as follows:

Appendix 1.—Listing of Impairments

Part A

Criteria applicable to individuals age 18 and over and to children under age 18 where criteria are appropriate.

Sec.

1.00 Musculoskeletal system.
2.00 Special sense and speech.
3.00 Respiratory system.
4.00 Cardiovascular system.
5.00 Digestive system.
6.00 Genito-urinary system.
7.00 Hemic and lymphatic system.
8.00 Skin.
9.00 Endocrine system.
10.00 Multiple body systems.
11.00 Neurological.
12.00 Mental disorders.
13.00 Neoplastic diseases—malignant.

1.00 Musculoskeletal System

A. *Loss of function* may be due to amputation or deformity. Pain may be an important factor in causing functional loss, but it must be associated with relevant abnormal signs or laboratory findings. Evaluations of musculoskeletal impairments should be supported where applicable by detailed descriptions of the joints, including ranges of motion, condition of the musculature, sensory or reflex changes, circulatory deficits, and X-ray abnormalities.

B. *Disorders of the spine,* associated with vertebrogenic disorders as in 1.05C, result in impairment because of distortion of the bony and ligamentous architecture of the spine or impingement of a herniated nucleus pulposus or bulging annulus on a nerve root. Impairment caused by such abnormalities usually improves with time or responds to treatment. Appropriate abnormal physical findings must be shown to persist on repeated examinations despite therapy for a reasonable presumption to be made that severe impairment will last for a continuous period of 12 months. This may occur in cases with unsuccessful prior surgical treatment.

Evaluation of the impairment caused by disorders of the spine requires that a clinical diagnosis of the entity to be evaluated first must be established on the basis of adequate history, physical examination, and roentgenograms. The specific findings stated, in 1.05C represent the requirements for the level of severity of that impairment; these findings, by themselves, are not intended to represent the basis for establishing the clinical diagnosis. Furthermore, while neurological examination findings are required, they are not to be interpreted as a basis for evaluating the severity of any neurological impairment. Neurological impairments are to be evaluated under 11.00–11.19.

The history must include a detailed description of the character, location, and radiation of pain; mechanical factors which incite and relieve pain; prescribed treatment, including type, dose, and frequency of analgesic; and typical daily activities. Care must be take to ascertain that the reported examination findings are consistent with the individual's daily activities.

There must be a detailed description of the orthopedic and neurologic examination findings. The findings should include a description of gait, limitation of movement of the spine given quantitatively in degrees from the vertical position, motor and sensory abnormalities, muscle spasm, and deep tendon reflexes. Observations of the individual during the examination should be reported; e.g., how he or she gets on and off the examining table. Inability to walk on heels or toes, to squat, or to arise from a squatting position, where appropriate, may be considered evidence of significant motor loss. However, a report of atrophy is not acceptable as evidence of significant motor loss without circumferential measurements of both thighs and lower legs (or upper or lower arms) at a stated point above and below the knee or elbow given in inches or centimeters. A specific description of atrophy of hand muscles is acceptable without measurements of atrophy but should include measurements of grip strength.

These physical examination findings must be determined on the basis of objective observations during the examination and not simply a report of the individual's allegation, e.g., he says his leg is weak, numb, etc. Alternative testing methods should be used to verify the objectivity of the abnormal findings, e.g., a seated straight-leg raising test in addition to a supine straight-leg raising

test. Since abnormal findings may be intermittent, their continuous presence over a period of time must be established by a record of ongoing treatment. Neurological abnormalities may not completely subside after surgical or nonsurgical treatment, or with the passage of time. Residual neurological abnormalities, which persist after it has been determined clinically or by direct surgical or other observation that the ongoing or progressive condition is no longer present, cannot be considered to satisfy the required findings in 1.05C.

Where surgical procedures have been performed, documentation should include a copy of the operative note and available pathology reports.

Electrodiagnostic procedures and myelography may be useful in establishing the clinical diagnosis, but do not constitute alternative criteria to the requirements in 1.05C.

C. *After maximum benefit from surgical therapy* has been achieved in situations involving fractures of an upper extremity (see 1.12), or soft tissue injuries of a lower or upper extremity (see 1.13), i.e., there have been no significant changes in physical findings or X-ray findings for any 6-month period after the last definitive surgical procedure, evaluation should be made on the basis of demonstrable residuals.

D. *Major joints* as used herein refer to hip, knee, ankle, shoulder, elbow, or wrist and hand. (Wrist and hand are considered together as one major joint.)

E. *The measurements of joint motion are* based on the techniques described in the "Joint Motion Method of Measuring and Recording," published by the American Academy of Orthopedic Surgeons in 1965, or the "Guides to the Evaluation of Permanent Impairment—The Extremities and Back" (Chapter I); American Medical Association, 1971.

1.01 Category of Impairments, Musculoskeletal

1.02 *Active rheumatoid arthritis and other inflammatory arthritis.*

With both A and B:

A. History of persistent joint pain, swelling, and tenderness involving multiple major joints (see 1.00D) and with signs of joint inflammation (swelling and tenderness) on current physical examination despite prescribed therapy for at least 3 months, resulting in significant restriction of function of the affected joints, and clinical activity expected to last at least 12 months; and

B. Corroboration of diagnosis at some point in time by either:

1. Positive serologic test for rheumatoid factor; or

2. Antinuclear antibodies; or

3. Elevated sedimentation rate; or

4. Characteristic histologic changes in biopsy of synovial membrane or subcutaneous nodule.

1.03 *Arthritis of a major weight-bearing joint (due to any cause):*

With history of persistent joint pain and stiffness with signs of severe limitation of motion of the affected joint on current physical examination. With:

A. Gross anatomical deformity of hip or knee (e.g., subluxation, contracture, bony or fibrous ankylosis, instability) with X-ray evidence of either severe joint space narrowing or significant bony destruction *and* severely limiting ability to walk and stand; or

B. Reconstructive surgery or surgical arthrodesis of a major weight-bearing joint and return to full weight-bearing status did not occur, or is not expected to occur, within 12 months of onset.

1.04 *Arthritis of one major joint in each of the upper extremities (due to any cause):*

With history of persistent joint pain and stiffness, signs of severe limitation of motion of the affected joints on current physical examination, and X-ray evidence of either severe joint space narrowing or significant bony destruction. With:

A. Abduction and forward flexion (elevation) of both arms at the shoulders, including scapular motion, restricted to less than 90 degrees; or

B. Gross anatomical deformity (e.g., subluxation, contracture, bony or fibrous ankylosis, instability, ulnar deviation) and enlargement or effusion of the affected joints.

1.05 *Disorders of the spine:*

A. Arthritis manifested by ankylosis or fixation of the cervical or dorsolumbar spine at 30° or more of flexion measured from the neutral position, with X-ray evidence of:

1. Calcification of the anterior and lateral ligaments; or

2. Bilateral ankylosis of the sacroiliac joints with abnormal apophyseal articulations; or

B. Osteoporosis, generalized (established by X-ray) manifested by pain and limitation of back motion and paravertebral muscle spasm with X-ray evidence of either:

1. Compression fracture of a vertebral body with loss of at least 50 percent of the estimated height of the vertebral body prior to the compression fracture, with no intervening direct traumatic episode; or

2. Multiple fractures of vertebrae with no intervening direct traumatic episode; or

C. Other vertebrogenic disorders (e.g., herniated nucleus pulposus, spinal stenosis) with the following persisting for at least 3 months despite prescribed therapy and expected to last 12 months. With both 1 and 2:

1. Pain, muscle spasm, and significant limitation of motion in the spine; and

2. Appropriate radicular distribution of significant motor loss with muscle weakness and sensory and reflex loss.

1.08 *Osteomyelitis or septic arthritis (established by X-ray):*

A. Located in the pelvis, vertebra, femur, tibia, or a major joint of an upper or lower extremity, with persistent activity or occurrence of at least two episodes of acute activity within a 5-month period prior to adjudication, manifested by local inflammatory, and systemic signs and laboratory findings (e.g., heat, redness, swelling, leucocytosis, or increased sedimentation rate) and expected to last at least 12 months despite prescribed therapy; or

B. Multiple localizations and systemic manifestations as in A above.

1.09 *Amputation or anatomical deformity of (i.e., loss of major function due to degenerative changes associated with vascular or neurological deficits, traumatic loss of muscle mass or tendons and X-ray evidence of bony ankylosis at an unfavorable angle, joint subluxation or instability):*

A. Both hands; or

B. Both feet; or

C. One hand and one foot.

1.10 *Amputation of one lower extremity (at or above the tarsal region):*

A. Hemipelvectomy or hip disarticulation, or

B. Amputation at or above the tarsal region due to peripheral vascular disease or diabetes mellitus; or

C. Inability to use a prosthesis effectively, and requiring obligatory bilateral upper limb assistance (e.g., walker, crutches), due to one of the following:

1. Vascular disease; or

2. Neurological complications (e.g., loss of position sense); or

3. Stump too short or stump complications persistent, or are expected to persist, for at least 12 months from onset; or

4. Disorder of contralateral lower extremity which severely limits ability to walk and stand.

1.11 *Fracture of the femur, tibia, tarsal bone, or pelvis* with solid union not evident on X-ray and not clinically solid, when such determination is feasible, and return to full weight-bearing status did not occur or is not expected to occur within 12 months of onset.

1.12 *Fractures of an upper extremity* with non-union of a fracture of the shaft of the humerus, radius, or ulna under continuing surgical management directed toward restoration of functional use of the extremity and such function was not restored or expected to be restored within 12 months after onset.

1.13 *Soft tissue injuries of an upper or lower extremity* requiring a series of staged surgical procedures within 12 months after onset for salvage and/or restoration of major function of the extremity, and such major function was not restored or expected to be restored within 12 months after onset.

2.00 Special Senses and Speech

A. *Ophthalmology*

1. *Causes of impairment.* Diseases or injury of the eyes may produce loss of central or peripheral vision. Loss of central vision results in inability to distinguish detail and prevents reading and fine work. Loss of peripheral vision restricts the ability of an individual to move about freely. The extent of impairment of sight should be determined by visual testing.

2. *Central visual acuity.* A loss of central visual acuity may be caused by impaired distant and/or near vision. However, for an individual to meet the level of severity described in 2.02 and 2.04, only the remaining central visual acuity for distance of the better eye with best correction based on the Snellen test chart measurement may be used. Correction obtained by special visual aids (e.g., contact lenses) will be considered if the individual has the ability to wear such aids.

3. *Field of vision.* Impairment of peripheral vision may result if there is contraction of the visual fields. The contraction may be either symmetrical or irregular. The extent of the remaining peripheral visual field will be

determined by usual perimetric methods at a distance of 330 mm. under illumination of not less than 7-foot candles. For the phakic eye (the eye with a lens), a 3 mm. white disc target will be used, and for the aphakic eye (the eye without a lens), a 6 mm. white disc target will be used. In neither instance should corrective spectacle lenses be worn during the examination but if they have been used, this fact must be stated.

Measurements obtained on comparable perimetric devices may be used; this does not include the use of tangent screen measurements. For measurements obtained using the Goldman perimeter, the object size designation III and the illumination designation 4 should be used for the phakic eye, and the object size designation IV and illumination designation 4 for the aphakic eye.

Field measurements must be accompanied by notated field charts, a description of the type and size of the target and the test distance. Tangent screen visual fields are not acceptable as a measurement of peripheral field loss.

Where the loss is predominantly in the lower visual fields, a system such as the weighted grid scale for perimetric fields described by B. Esterman (see Grid for Scoring Visual Fields, II. Perimeter, *Archives of Ophthalmology*, 79:400, 1968) may be used for determining whether the visual field loss is comparable to that described in Table 2.

4. *Muscle function.* Paralysis of the third cranial nerve producing ptosis, paralysis of accommodation, and dilation and immobility of the pupil may cause significant visual impairment. When all the muscles of the eye are paralyzed including the iris and ciliary body (total ophthalmoplegia), the condition is considered a severe impairment provided it is bilateral. A finding of severe impairment based primarily on impaired muscle function mus be supported by a report of an actual measurement of ocular motility.

5. *Visual efficiency.* Loss of visual efficiency may be caused by disease or injury resulting in a reduction of central visual acuity or visual field. The visual efficiency of one eye is the product of the percentage of central visual efficiency and the percentage of visual field efficiency. (See Tables No. 1 and 2, following 2.09.)

6. *Special situations.* Aphakia represents a visual handicap in addition to the loss of central visual acuity. The term monocular aphakia would apply to an individual who has had the lens removed from one eye, and who still retains the lens in his other eye, or to an individual who has only one eye which is aphakic. The term binocular aphakia would apply to an individual who has had both lenses removed. In cases of binocular aphakia, the central efficiency of the better eye will be accepted as 75 percent of its value. In cases of monocular aphakia, where the better eye is aphakic, the central visual efficiency will be accepted as 50 percent of its value. (If an individual has binocular aphakia, and the central visual acuity in the poorer eye can be corrected only to 20/200, or less, the central visual efficiency of the better eye will be accepted as 50 percent of its value.)

Ocular symptoms of systemic disease may or may not produce a disabling visual impairment. These manifestations should be evaluated as part of the underlying disease entity by reference to the particular body system involved.

7. *Statutory blindness.* The term "statutory blindness" refers to the degree of visual impairment which defines the term "blindness" in the Social Security Act. Both 2.02 and 2.03 A and B denote statutory blindness.

B. *Otolaryngology*

1. *Hearing impairment.* Hearing ability should be evaluated in terms of the person's ability to hear and distinguish speech.

Loss of hearing can be quantitatively determined by an audiometer which meets the standards of the American National Standards Institute (ANSI) for air and bone conducted stimuli (i.e., ANSI S 3.6–1969 and ANSI S 3.13–1972, or subsequent comparable revisions) and performing all hearing measurements in an environment which meets the ANSI standard for maximal permissible background sound (ANSI S 3.1–1977).

Speech discrimination should be determined using a standardized measure of speech discrimination ability in quiet at a test presentation level sufficient to ascertain maximum discrimination ability. The speech discrimination measure (test) used, and the level at which testing was done, must be reported.

Hearing tests should be preceded by an otolaryngologic examination and should be performed by or under the supervision of an otolaryngologist or audiologist qualified to perform such tests.

In order to establish an independent medical judgment as to the level of severity in a claimant alleging deafness, the following examinations should be reported: Otolaryngologic examination, pure tone air and bone audiometry, speech reception threshold (SRT), and speech discrimination testing. A copy of reports of medical examination and audiologic evaluations must be submitted.

Cases of alleged "deaf mutism" should be documented by a hearing evaluation. Records obtained from a speech and hearing rehabilitation center or a special school for the deaf may be acceptable, but if these reports are not available, or are found to be inadequate, a current hearing evaluation should be submitted as outlined in the preceding paragraph.

2. *Vertigo associated with disturbances of labyrinthine-vestibular function, including Meniere's disease.* These disturbances of balance are characterized by an hallucination of motion or loss of position sense and a sensation of dizziness which may be constant or may occur in paroxysmal attacks. Nausea, vomiting, ataxia, and incapacitation are frequently observed, particularly during the acute attack. It is important to differentiate the report of rotary vertigo from that of "dizziness" which is described as light-headedness, unsteadiness, confusion, or syncope.

Meniere's disease is characterized by paroxysmal attacks of vertigo, tinnitus, and fluctuating hearing loss. Remissions are unpredictable and irregular, but may be longlasting; hence, the severity of impairment is best determined after prolonged observation and serial reexaminations.

The diagnosis of a vestibular disorder requires a comprehensive neuro-otolaryngologic examination with a detailed description of the vertiginous episodes, including notation of frequency, severity, and duration of the attacks. Pure tone and speech audiometry with the appropriate special examinations, such as Bekesy audiometry, are necessary. Vestibular function is assessed by positional and caloric testing, preferably by electronystagmography. When polytograms, contrast radiography, or other special tests have been performed, copies of the reports of these tests should be obtained, in addition to reports of skull and temporal bone X-rays.

3. *Organic loss of speech.* Glossectomy or laryngectomy or cicatricial laryngeal stenosis due to injury or infection results in loss of voice production by normal means. In evaluating organic loss of speech (see 209), ability to produce speech by any means includes the use of mechanical or electronic devices. Impairment of speech due to neurologic disorders should be evaluated under 11.00–11.19.

2.01 Category of Impairments, Special Senses and Speech

2.02 *Impairment of central visual acuity.* Remaining vision in the better eye after best correction is 20/200 or less.

2.03 *Contraction of peripheral visual fields in the better eye.*

A. To 10° or less from the point of fixation; of

B. So the widest diameter subtends an angle no greater than 20°; or

C. To 20 percent or less visual field efficiency.

2.04 *Loss of visual efficiency.* Visual efficiency of better eye after best correction 20 percent or less. (The percent of remaining visual efficiency = the product of the percent of remaining central visual efficiency and the

percent of remaining visual field efficiency.)

2.05 *Complete homonymous hemianopsia* (with or without macular sparing). Evaluate under 2.04.

2.06 *Total bilateral ophthalmoplegia.*

2.07 *Disturbance of labyrinthine-vestibular function (including Meniere's disease),* characterized by a history of frequent attacks of balance disturbance, tinnitus, and progressive loss of hearing. With both A and B:

A. Disturbed function of vestibular labyrinth demonstrated by caloric or other vestibular tests; and

B. Hearing loss established by audiometry.

2.08 *Hearing impairments* (hearing not restorable by a hearing aid) manifested by:

A. Average hearing threshold sensitivity for air conduction of 90 decibels or greater, and for bone conduction to corresponding maximal levels, in the better ear, determined by the simple average of hearing threshold levels at 500, 1000, and 2000 hz. (see 2.00B1); or

B. Speech discrimination scores of 40 percent or less in the better ear.

2.09 *Organic loss of speech* due to any cause with inability to produce by any means speech which can be heard, understood, and sustained.

TABLE NO. 1.—PERCENTAGE OF CENTRAL VISUAL EFFICIENCY CORRESPONDING TO CENTRAL VISUAL ACUITY NOTATIONS FOR DISTANCE IN THE PHAKIC AND APHAKIC EYE (BETTER EYE)

Snellen		Percent central visual efficiency		
English	Metric	Phakic [1]	Aphakic monocular [2]	Aphakic binocular [3]
20/16	6/5	100	50	75
20/20	6/6	100	50	75
20/25	6/7.5	95	47	71
20/32	6/10	90	45	67
20/40	6/12	85	42	64
20/50	6/15	75	37	56
20/64	6/20	65	32	49
20/80	6/24	60	30	45
20/100	6/30	50	25	37
20/125	6/38	40	20	30
20/160	6/48	30	.....	22
20/200	6/60	20	.....	.....

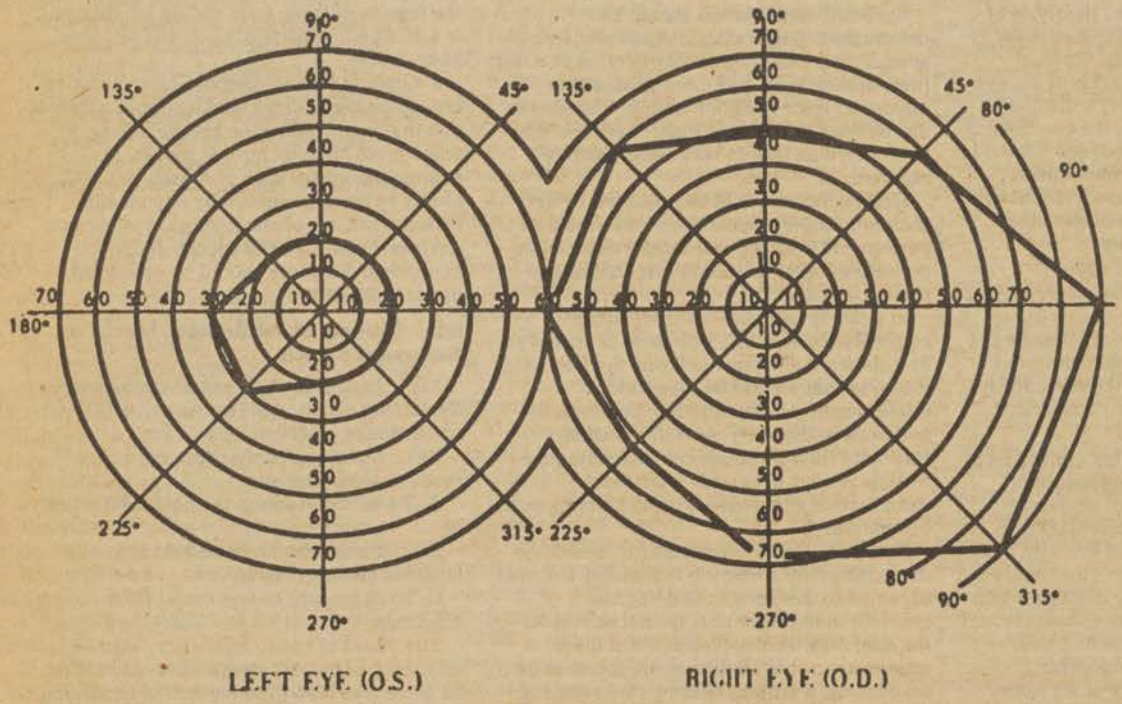
Column and Use

[1] Phakic—1. A lens is present in both eyes. 2. A lens is present in the better eye and absent in the poorer eye. 3. A lens is present in one eye and the other eye is enucleated.

[2] Monocular.—1. A lens is absent in the better eye and present in the poorer eye. 2. The lenses are absent in both eyes; however the central visual acuity in the poorer eye after best correction is 20/200 or less. 3. A lens is absent from one eye and the other eye is enucleated.

[3] Binocular.—1. The lenses are absent from both eyes and the central visual acuity in the poorer eye after best correction is greater than 20/200.

Table No. 2.—*Chart of visual field showing extent of normal field and method of computing percent of visual field efficiency*



1. Diagram of right eye illustrates extent of normal visual field as tested on standard perimeter at 3/330 (3 mm. white disc at a distance of 330 mm.) under 7 foot-candles illumination. The sum of the eight principal meridians of this field total 500°.

2. The percent of visual field efficiency is obtained by adding the number of degrees of the eight principal meridians of the contracted field and dividing by 500. Diagram of left eye illustrates visual field contracted to 30° in the temporal and down and out meridians and to 20° in the remaining six meridians. The percent of visual field

efficiency of this field is: $6\times20+2\times30=180\div500=0.36$ or 36 percent remaining visual field efficiency, or 64 percent loss.

3.00 *Respiratory System*

A. *Introduction:* Impairments caused by chronic disorder or the respiratory system generally result from irreversible loss of pulmonary functional capacity (ventilatory impairment, gas exchange impairment, or a combination of both). The most common symptom attributable to these disorders is dyspnea on exertion. Cough, wheezing, sputum production, hemoptysis, and chest pain may also occur, but need not be present. However, since these symptoms are common to many other diseases, evaluation of impairments of the respiratory system requires a history, physical examination, and chest roentgenogram to establish the diagnosis of a chronic respiratory disorder. Pulmonary function testing is required to provide a basis for assessing severity of the impairment, once the diagnosis is established by appropriate clinical findings.

Alternation of ventilatory function may be due primarily to chronic obstructive pulmonary disease (emphysema, chronic bronchitis, chronic asthmatic bronchitis) or restrictive disorders with primary loss of lung volume (pulmonary resection, thoracoplasty, chest cage deformity as seen in kyphoscoliosis), or infiltrative interstitial disorders (diffuse fibrosis). Impairment of gas exchange without significant airway obstruction may be produced by interstitial disorders (diffuse fibrosis). Primary disease of pulmonary circulation may produce pulmonary vascular hypertension and, eventually, heart failure. Whatever the mechanism, any chronic progressive pulmonary disorder may result in cor pulmonale or heart failure. Chronic infection caused, most frequently, by mycobacterial or mycotic organisms, may produce extensive lung destruction resulting in servere loss of pulmonary functional capacity. Some disorders such as bronchiectasis and asthma may be characterized by acute, intermittent illnesses of such frequency and severity to produce severe impairment apart from intercurrent functional loss, which may be mild.

Most chronic pulmonary disorders may be adequately evaluated on the basis of history, physical examination, chest roentgenogram, and ventilatory function tests. Direct assessment of gas exchange by exercise arterial blood gas determination or diffusing capacity is required only in specific relatively rare circumstances, depending on the clinical features and specific diagnosis.

B. *Mycobacterial and mycotic infections of the lung will be evaluated* on the basis of the resulting impairment to pulmonary function. Evidence of infectious or active mycobacterial or mycotic infection, such as positive cultures, increasing lesions, or cavitation, is not, by itself, a basis for determining that the individual has a severe impairment which is expected to last 12 months. However, if these factors are abnormally persistent, they should not be ignored. For example, in those unusual cases where there is evidence of persistent pulmonary infection caused by mycobacterial or mycotic organisms for a period closely approaching 12 consecutive months, the clinical findings, complications, treatment considerations, and prognosis must be carefully assessed determined whether, despite the absence of impairment of pulmonary function, the individual has a severe impairment that can be expected to last for 12 consecutive months.

C. *When a respiratory impairment is episodic in nature,* as may occur in complications of bronchietasis and asthmatic bronchitis, the frequency of severe episodes despite prescribed treatment is the criterion for determining the level of impairment. Documentation for episodic asthma should include the hospital or emergency room records indicating the dates of treatment, clinical findings on presentation, what treatment was given and for what period of time, and the clinical response. Severe attacks of episodic asthma, as listed in section 3.03B, are defined as prolonged episodes lasting at least several hours, requiring intensive treatment such as intravenous drug administration or inhalation therapy in a hospital or emergency room.

D. *Documentation of ventilatory function tests.* The results of ventilatory function studies for evaluation under tables I, II, and III should be expressed in liters or liters per minute (BTPS). The reported one second forced expiratory volume (FEV_1) should represent the largest of at least three attempts. One satisfactory maximum voluntary ventilation (MVV) is sufficient. The MVV should represent the observed value and should not be calculated from FEV_1. These studies should be repeated after administration of a nebulized bronchodilator unlesss the prebronchodilator values are 80 percent or more of predicted normal values or the use of bronchodilators is contraindicated. The values in tables I, II, and III assume that the ventilatory function studies were not performed in the presence of wheezing or other evidence of bronchospasm or, if these were present at the time of the examination, that the studies were repeated after administration of a bronchodilator. Ventilatory function studies performed in the presence of bronchospasm, without use of bronchodilators, cannot be found to meet the requisite level of severity in tables I, II, and III.

The appropriately labeled spirometric tracing, showing distance per second on the abscissa and the distance per liter on the ordinate, must be incorporated in the file. The manufacturer and model number of the device used to measure and record the ventilatory function should be stated. If the spirogram was generated other then by direct pen linkage to a mechanical displacement-type spirometer, the spirometric tracing must show the calibration of volume units through mechanical means such as would be obtained using a giant syringe. The FEV_1 must be recorded at a speed of at least 20 mm. per second. Calculation of the FEV_1 from a flow volume loop is not acceptable. The recording device must provide a volume excursion of at least 10 mm. per liter. The MVV should be represented by the tidal excursion measured over a 10-to-15 second interval. Tracings showing only cumulative volume for the MVV are not acceptable. The ventilatory function tables are based on measurement of the height of the individual without shoes. Studies should not be performed during or soon after an acute respiratory illness. A statement should be made as to the individual's ability to understand the directions and cooperate in performing the test.

3.00E *Documentation of chronic impairment of gas exchange—Arterial blood gases and exercise tests.*

1. *Introduction:* Exercise tests with measurement of arterial blood gases at rest and during exercise should be purchased when not available as evidence of record in cases in which there is documentation of chronic pulmonary disease, but the existing evidence, including properly performed ventilatory function tests, is not adequate to evaluate the severity of the impairment. Before purchasing arterial blood gas tests, medical history, physical examination, report of chest roentgenogram, ventilatory function tests, electrocardiographic tracing, and hematocrit must be obtained and should be evaluated by a physician competent in pulmonary medicine. Arterial bloold gas tests should not be purchased where full development short of such purchase reveals that the impairment meets or equals any other listing or when the claim can be adjudicated on some other Capillary blood analysis for PO_2 or PCO_2 is not acceptable. Analysis of arterial blood gases obtained after exercise is stopped is not acceptable.

Generally, individuals with an FEV_1 greater than 2.5 liters or an MVV greater than 100 liters per minute would not be considered for blood gas studies unless diffuse interstitial pulmonary fibrosis was noted on chest X-ray or documented by tissue diagnosis. The exercise test facility should be provided with the clinical reports, report of chest roentgenogram, and spirometry results obtained by the DDS. The testing facility should determine whether exercise testing is clinically contraindicated. If an exercise test is clinically contraindicated, the reason for exclusion from the test should be stated in the report of the exercise test facility.

2. *Methodology.* Individuals considered for exercise tesing first should have resting PaO_2, $PaCO_2$, and pH determinations by the testing facility. The samples should be obtained in the sitting or standing position. The individual should be exercised under steady state conditions, preferably on a treadmill for a period of 6 minutes at a speed and grade providing a workload of approximately 17 ml. O_2/kg./min. If a bicycle ergometer is used, an exercise equivalent of 450 kgm./min., or 75 watts, should be used. At the option of the facility, a warm-up period of treadmill walking may be performed to acquaint the applicant with the procedure. If, during the warm-up period, the individual cannot exercise at the designated level, a lower speed and/or grade may be selected in keeping with the exercise capacity estimate. The individual should be monitored by electrocardiogram throughout the exercise and representative strips taken to provide heart rate in each minute or exercise. During the 5th or 6th minute of exercise, an arterial blood gas sample should be drawn and

analyzed for PO_2, PCO_2, and pH. If the facility has the capability, and at the option of the DDS and the facility, minute ventilation (BTPS) and oxygen consumption per minute (STPD) and CO_2 production (STPD) should be measured during the 5th or 6th minute of exercise. If the individual fails to complete 6 minutes of exercise, the facility should comment on the reason.

The report should contain representative strips of electrocardiograms taken during the exercise, hematocrit, resting and exercise arterial blood gas value, speed and grade of the treadmill or bicycle ergometer exercise level in watts or kgm./min., and duration of exercise. The altitude of the test site, barometric pressure, and normal range of blood gas values for that facility should also be reported.

3. *Evaluation.* Three tables are provided in Listing 3.02C2 for evaluation of arterial blood gas determinations at rest and during exercise. The blood gas levels in Listing 3.02C2, Table IV–A, are applicable at test sites situated at less than 3000 feet above sea level. The blood gas levels in Listing 3.02C2, Table IV–B, are applicable at test sites situated at 3000 through 6000 feet above sea level. The blood gas levels in Listing 3.02C2, Table IV–C, are applicable for test sites over 6000 feet above sea level. Tables IV–B and C take into account the lower blood PaO_2 normally found in individuals tested at the higher altitude. When the barometric pressure is unusually high for the altitude at the time of testing, consideration should be given to those cases in which the PaO_2 falls slightly above the requirements of Table IV–A, IV–B, or IV–C, whichever is appropriate for the altitude at which testing was performed.

3.01 *Category of Impairments, Respiratory*

3.02 *Chronic Pulmonary Insufficiency.* With:

A. Chronic obstructive pulmonary disease (due to any cause). With: Both FEV_1 and MVV equal to or less than values specified in Table I corresponding to the person's height without shoes.

TABLE I

Height (inches without shoes)	FEV_1 equal to or less than (L. BTPS)	MVV (MBC) equal to or less than (L/min.)
60 or less	1.0	40
61–63	1.1	44
64–65	1.2	48
66–67	1.3	52
68–69	1.4	56
70–71	1.5	60
72 or more	1.6	64

B. *Chronic restrictive ventilatory disorders.* With: Total vital capacity equal to or less than values specified in Table II corresponding to the person's height without shoes. In severe kyphoscoliosis, the measured span between the fingertips when the upper extremities are abducted 90 degrees should be substituted for height.

TABLE II

Height (inches without shoes)	VC equal to or less than (L)
59 or less	1.0
60–63	1.1
64–66	1.2
67–69	1.3
70 or more	1.4

C. *Chronic impairment of gas exchange (due to any cause).* With:

1. Total vital capacity equal to or less than the values in Tables III below, corresponding to the person's height without shoes.

TABLE III

Height (inches without shoes)	VC equal to or less than (L)
57 or less	1.2
58–59	1.3
60–61	1.4
62–63	1.5
64–65	1.6
66–67	1.7
68–69	1.8
70–71	1.9
72 or more	2.0

or

2. Steady-state exercise blood gases demonstrating values of PaO_2 and simultaneously determining PaO_2, measured at a workload of approximately 17 ml. O_2/kg./min. or less of exercise, equal to or less than the values specified in Table IV–A or IV–B or IV–C

TABLE IV–A

[Applicable at test sites less than, 3,000 feet above sea level]

Arterial PCO_2 (mm Hg—)	Arterial PO_2 equal to or less than (mm Hg)
30 or below	65
31	64
32	63
33	62
34	61
35	60
36	59
37	58
38	57
39	56
40 or above	55

TABLE IV–B

[Applicable at test sites 3000 through 6000 feet above sea level]

Arterial PCO_2 (mm Hg)	Arterial PO_2 equal to or less than (mm Hg)
30 or below	60
31	59
32	58
33	57
34	56
35	55
36	54
37	53
38	52
39	51

TABLE IV–B—Continued

[Applicable at test sites 3000 through 6000 feet above sea level]

Arterial PCO_2 (mm Hg)	Arterial PO_2 equal to or less than (mm Hg)
40 or above	50

TABLE IV–C

[Applicable at test sites over 6,000 feet above sea level]

Arterial PCO_2 (mm Hg)	Arterial PO_2 equal to or less than (mm Hg)
30 or above	55
31	54
32	53
33	52
34	51
35	50
36	49
37	48
38	47
39	46
40 or above	45

OR

3. Diffusing capacity for the lungs for carbon monoxide less than 6 ml./mm. Hg/min. (steady-state methods) or less than 9 ml./mm. Hg/min. (single breath method) or less than 30 percent of predicted normal. (All methods, actual values, and predicted normal values for the methods used should be reported.): OR

4. Mixed obstructive ventilatory and gas exchange impairment. Evaluate under the criteria in 3.02A and B, and C.

3.03 *Asthma.* With:

A. Chronic asthmastic bronchitis. Evaluate under the criteria for chronic obstructive ventilatory impairment in 3.02A; OR

B. Episodes of severe attacks (See 3.00C), in spite of prescribed treatment, occurring at least once every 2 months or on an average of at least 6 times a year, and prolonged expiration with wheezing or rhonchi on physical examination between attacks.

3.06 *Pneumoconiosis (demonstrated by roentgenographic evidence).* Evaluate under criteria in 3.02.

3.07 *Bronchiectasis (demonstrated by radio-opaque material).* With:

A. Episodes of acute bronchitis or pneumonia or hemoptysis (more than blood-streaked sputum) occurring at least every 2 months; OR

B. Impairment of pulmonary function due to extensive disease should be evaluated under the applicable criteria in 3.02.

3.08 *Mycobacterial infection of the lung.* Impairment of pulmonary function due to extensive disease should be evaluated under appropriate criteria in 3.02.

3.09 *Mycotic infection of the lung.* Impairment of pulmonary function due to extensive disease should be evaluated under the appropriate criteria in 3.02.

3.11 *Cor pulmonale or pulmonary vascular hypertension.* Evaluate under the criteria in 4.02D.

4.00 Cardiovascular System

A. *Severe cardiac impairment* results from one or more of three consequences of heart disease: (1) congestive heart failure; (2) ischemia (with or without necrosis) of heart muscle; (3) conduction disturbances and/or arrhythmias resulting in cardiac syncope.

With diseases of arteries and veins, severe impairment may result from disorders of the vasculature in the central nervous system, eyes, kidneys, extremities, and other organs.

The criteria for evaluating impairment resulting from heart disease or diseases of the blood vessels are based on symptoms, physical signs and pertinent laboratory findings.

B. *Congestive heart failure* is considered in the Listing under one category whatever the etiology (i.e., arteriosclerotic, hypertensive, rheumatic, plumonary, congential, or other organic heart disease). Congestive heart failure is not considered to have been established for the purpose of 4.02 unless there is evidence of vascular congestion such as hepatomegaly or peripheral or pulmonary edema which is consistent with the clinical diagnosis. (Radiological description of vascular congestion, unless supported by appropriate clinical evidence, should not be construed as pulmonary edema.) The findings of vascular congestion need not be present at the time of adjudication (except for 4.02A), but must be causally related to the current episode of severe impairment. The findings other than vascular congestion must be persistent.

Other congestive, ischemic, or restrictive (obstructive) heart disease such as caused by cardiomyopathy or aortic stenosis may result in severe impairment due to congestive heart failure, rhythm disturbances, or ventricular outflow obstruction in the absence of left ventricular enlargement as described in 4.02B1. However, the ECG criteria as defined in 4.02B2 should be fulfilled. Clinical findings such as symptoms of dyspnea, fatigue, rhythm disturbances, etc. should be documented and the diagnosis confirmed by echocardiography or at cardiac catheterization.

C. *Hypertensive vascular disease* does not reult in severe impairment unless it causes severe damage to one or more of four end organs: heart, brain, kidneys, or eyes (retinae). The presence of such damage must be established by appropriate abnormal physical signs and laboratory findings as specified in 4.02 or 4.04, or for the body system involved.

D. *Ischemic heart disease* may result in severe impairment due to chest pain. Description of the pain must contain the clinical characteristics as discussed under 4.00E. In addition, the clinical impression of chest pain of cardiac origin must be supported by objective evidence as described under 4.00 F, G, or H.

E. *Chest pain of cardiac origin* is considered to be pain which is precipitated by effort and promptly relieved by sublingual nitroglycerin or rapid-acting nitrates or rest. The character of the pain is classically described as crushing, squeezing, burning, or oppressive pain located in the chest. Excluded is sharp, sticking or rhythmic pain. pain occurring on exercise should be described specifically as to usual inciting factors (kind and degree), character, location, radiation, duration, and response to nitroglycerin or rest.

So-called "anginal equivalent" locations manifested by pain in the throat, arms, or hands have the same validity as the chest pain described above. Status anginosus and variant angina of the Prinzmetal type (e.g., rest angina with transitory ST elevation on electrocardiogram) will be considered to have the same validity as classical angina pectoris as described above. Shortness of breath as an isolated finding should not be considered as an anginal equivalent.

Chest pain that appears to be of cardiac origin may be caused by noncoronary conditions. Evidence for the latter should be actively considered in determining whether the chest pain is of cardiac origin. Among the more common conditions which may masquerade as angina are gastrointestinal tract lesions such as biliary tract disease, esophagitis, hiatal hernia, peptic ulcer, and pancreatitis; and musculoskeletal lesions such as costochondritis and cervical arthritis.

F. *Documentation of electrocardiography.*

1. *Electrocardiograms obtained at rest* must be submitted in the original or a legible copy of a 12-lead tracing, appropriately labeled, with the standardization inscribed on the tracing. Alteration in standardization of specific leads (such as to accommodate large QRS amplitudes) must be shown on those leads.

The effect of drugs, electrolyte imbalance, etc., should be considered as possible noncoronary causes of ECG abnormalities, especially those involving the ST segment. If needed and available, pre-drug (especially predigitalis) tracings should be obtained.

The term "ischemic" is used in 4.04 to describe a pathologic ST deviation. Nonspecific repolarization changes should not be confused with ischemic configurations or a current of injury.

Detailed descriptions or computer interpretations without the original or legible copies of the ECG are not acceptable.

2. *Electrocardiograms obtained in conjunction with exercise tests* must include the original tracings or a legible copy of appropriate leads obtained before, during, and after exercise. Test control tracings, taken before exercise in the upright position, must be obtained. An ECG after 20 seconds of vigorous hyperventilation should be obtained. A posthypervetilation tracing may be essential for the proper evaluation of a "positive" test in certain circumstances, such as in women with evidence of mitral valve prolapse. A tracing should be taken at approximately 5 METs of exercise and at the time the ECG becomes abnormal according to the criteria in 4.04A. The time of onset of these abnormal changes must be noted, and the ECG tracing taken at the time should be obtained. Exercise histograms without the original tracings or legible copies are not acceptable.

Whenever electrocardiographically documented stress test data are submitted, irrespective of the type, the standardization must be inscribed on the tracings and the strips must be labeled appropriately, indicating the times recorded. The degree of exercise achieved, the blood pressure levels during the test, and any reason for terminating the test should be included in the report.

G. *Exercise testing.*

1. *When to purchase.* Since the results of a treadmill exercise test are the primary basis for adjudicating claims under 4.04, they should be included in the file whenever they have been performed. There are also circumstances under which it will be appropriate to purchase exercise tests. Generally, these are limited to claims involving chest pain which is considered to be of cardiac origin but without corroborating ECG or other evidence of ischemic heart disease.

Exercise tests should not be purchased in the absence of alleged chest pain of cardiac origin. Even in the presence of an allegation of chest pain of cardiac origin, an exercise test should not be purchased where full development short of such a purchase reveals that the impairment meets or equals any Listing or the claim can be adjudicated on some other basis.

2. *Methodology.* When an exercise test is purchased, it should be a treadmill type using a continuous progressive multistage regimen. The targeted heart rate should be not less than 85 percent of the maximum predicted heart rate unless it becomes hazardous to exercise to that heart rate or becomes unnecessary because the ECG meets the criteria in 4.04A at a lower heart rate (see also 4.00F.2). Beyond these requirements, it is prudent to accept the methodology of a qualified, competent test facility. In any case, a precise description of the protocol that was followed must be provided.

3. *Limitations of exercise testing.* Exercise testing should not be purchased for individuals who have the following: unstable progressive angina pectoris; recent onset (approximately 2 months) of angina; congestive heart failure; uncontrolled serious arrhythmias (including uncontrolled auricular fibrillation); second or third-degree heart block; Wolff-Parkinson-White syndrome; uncontrolled severe hypertension; severe aortic stenosis; severe pulmonary hypertension; dissecting or ventricular aneurysms; acute illness; limiting neurological or musculoskeletal impairments; or for individuals on medication where performance of stress testing may constitute a significant risk.

The presence of noncoronary or nonischemic factors which may influence the ECG response to exercise include hypokalemia, hyperventilation, vasoregulatory asthenia, significant anemia, left bundle branch block, and other heart disease, particularly valvular.

Digitalis may cause ST segment abnormalities at rest, during, and after exercise. Digitalis-related ST depression, present at rest, may become accentuated and result in false interpretations of the ECG taken during or after exercise test.

4. *Evaluation.* Where the evidence includes the results of a treadmill exercise test, this evidence is the primary basis for adjudicating claims under 4.04. For purposes of the social security disability program, treadmill

exercise testing will be evaluated on the basis of the level at which the test becomes positive in accordance with the ECG criteria in § 4.04A. However, the significance of findings of a treadmill exercise test must be considered in light of the clinical course of the disease which may have occurred subsequent to performance of the exercise test. The criteria in 4.04B are not applicable if there is documentation of an acceptable treadmill exercise test. If there is no evidence of a treadmill exercise test or if the test is not acceptable, the criteria in 4.04B should be used. The level of exercise is considered in terms of multiples of METs (metabolic equivalent units). One MET is the basal O_2 requirement of the body in an inactive state, sitting quietly. It is considered by most authorities to be approximately 3.5 ml. O_2/kg./min.

H. *Angiographic evidence.*

1. *Coronary arteriography.* This procedure is not to be purchased by the Social Security Administration. Should the results of such testing be available, the report should be considered as to the quality and kind of data provided and its applicability to the requirements of the Listing of Impairments. A copy of the report of the catheterization and ancillary studies should be obtained. The report should provide information as to the technique used, the method of assessing coronary lumen diameter, and the nature and location of any obstructive lesions.

It is helpful to know the method used, the number of projections, and whether selective engagement of each coronary vessel was satisfactorily accomplished. It is also important to know whether the injected vessel was entirely and uniformly opacified, thus avoiding the artifactual appearance of narrowing or an obstruction.

Coronary artery spasm induced by intracoronary catheterization is not to be considered as evidence of ischemic heart disease.

Estimation of the functional significance of an obstructive lesion may also be aided by description of how well the distal part of the vessel is visualized. Some patients with severe proximal coronary atherosclerosis have well-developed large collateral blood supply to the distal vessels without evidence of myocardial damage or ischemia, even under conditions of severe stress.

2. *Left ventriculography.* The report should described the local contractility of the myocardium as may be evident from areas of hypokinesia, dyskinesia, or akinesia; and the overall contractility of the myocardium as measured by the ejection fraction.

3. *Proximal coronary arteries* (see 4.04B7) will be considered as the:

a. Right coronary artery proximal to the acute marginal branch;

b. Left anterior descending coronary artery proximal to the first septal perforator; and

c. Left circumlex coronary artery proximal to the first obtuse marginal branch.

I. *Results of other tests.* Information from adequate reports of other tests such as radionuclide studies or echocardiography should be considered where that information is comparable to the requirements in the listing. An ejection fraction measured by echocardiography is not determinative, but may be given consideration in the context of associated findings.

J. *Major surgical procedures.* The amount of function restored and the time required to effect improvement after heart or vascular surgery vary with the nature and extent of the disorder, the type of surgery, and other individual factors. If the criteria described for heart or vascular disease are met, proposed heart or vascular surgery (coronary artery bypass procedure, valve replacement, major arterial grafts, etc.) does not militate against a finding of disability with subsequent assessment of severity postoperatively.

The usual time after surgery for adequate assessment of the results of surgery is considered to be approximately 3 months. Assessment of the severity of the impairment following surgery requires adequate documentation of the pertinent evaluations and tests performed following surgery, such as an interval history and physical examination, with emphasis on those signs and symptoms which might have changed postoperatively, as well as X-rays and electrocardiograms. Where treadmill exercise tests or angiography have been performed following the surgical procedure, the results of these tests should be obtained.

Documentation of the preoperative evaluation and a description of the surgical procedure are also required. The evidence should be documented from hospital records (catheterization reports, coronary arteriographic reports, etc.) and the operative note.

Implantation of a cardiac pacemaker is not considered a major surgical procedure for purposes of this section.

K. *Evaluation of peripheral arterial disease.* The evaluation of peripheral arterial disease is based on medically acceptable clinical findings providing adequate history and physical examination findings describing the impairment, and on documentation of the appropriate laboratory techniques. The specific findings stated in Listing 4.13 represent the level of severity of that impairment; these findings, by themselves, are not intended to represent the basis for establishing the clinical diagnosis. The severity of the impairment is based on the symptomatology, physical findings, Doppler studies before and after a standard exercise test, and/or angiographic findings.

The requirements for evaluation of peripheral arterial disease in Listing 4.13B are based on the ratio of systolic blood pressure at the ankle, determined by Doppler study, to the systolic blood pressure at the brachial artery determined at the same time. Results of plethysmographic studies, or other techniques providing systolic blood pressure determinations at the ankle, should be considered where the information is comparable to the requirements in the listing.

Listing 4.13B.1 provides for determining that the listing is met when the resting ankle/brachial systolic blood pressure ratio is less than 0.50. Listing 4.13B.2 provides additional criteria for evaluating peripheral arterial impairment on the basis of exercise studies when the resting ankle/brachial systolic blood pressure ratio is 0.50 or above. The results of exercise studies should describe the level of exercise (e.g., speed and grade of the treadmill settings), the duration of exercise, symptoms during exercise, the reasons for stopping exercise if the expected level of exercise was not attained, blood pressures at the ankle and other pertinent levels measured after exercise, and the time required to return the systolic blood pressure toward, or to, the preexercise level. When exercise Doppler studies are purchased by the Social Security Administration, it is suggested that the requested exercise be on a treadmill at 2 mph. on a 12 percent grade for 5 minutes. Exercise studies should not be performed on individuals for whom exercise is contraindicated. The methodology of a qualified, competent facility should be accepted. In any case, a precise description of the protocol that was followed must be provided.

It must be recongized that application of the criteria in Listing 4.13B may be limited in individuals who have severe calcific (Monckeberg's) sclerosis of the peripheral arteries or severe small vessel disease in individuals with diabetes mellitus.

4.01 Category of Impairments, Cardiovascular System

4.02 *Congestive heart failure (manifested by evidence of vascular congestion such as hepatomegaly, peripheral or pulmonary edema).* With:

A. Persistent congestive heart failure on clinical examination despite prescribed therapy; or

B. Persistent left ventricular enlargement and hypertrophy documented by both:

1. Extension of the cardiac shadow (left ventricle) to the vertebral column on a left lateral chest roentgenogram; and

2. ECG showing QRS duration less than 0.12 second with S_{v1} plus R_{v5} (or R_{v6}) of 35 mm. or greater *and* ST segment depressed more than 0.5 mm. *and* low, diphasic or inverted T waves in leads with tall R waves; or

C. Persistent "mitral" type heart involvement documented by left atrial enlargement shown by double shadow on PA chest roentgenogram (or characteristic distortion of barium-filled esophagus) and either:

1. ECG showing QRS duration less than 0.12 second with S_{v1} plus R_{v5} (or R_{v6}) of 35 mm. or greater *and* ST segment depressed more than 0.5 mm. *and* low, diphasic or inverted T waves in leads with tall R waves; or

2. ECG evidence of right ventricular hypertrophy with R wave of 5.0 mm. or greater in lead V_1 *and* progressive decrease in R/S amplitude from lead V_1 to V_5 or V_6; or

D. Cor pulmonale (non-acute) documented by both:

1. Right ventricular enlargement (or prominence of the right out-flow tract) on chest roentgenogram of fluoroscopy; and

2. ECG evidence of right ventricular hypertrophy with R wave of 5.0 mm. or greater in lead V_1 *and* progressive decrease in R/S amplitude from lead V_1 to V_5 or V_6.

4.03 *Hypertensive vascular disease.* Evaluate under 4.02 or 4.04 or under the criteria for the affected body system.

4.04 *Ischemic heart disease with chest pain of cardiac origin as described in 4.00E.* With:

A. Treadmill exercise test (see 4.00 F and (G) demonstrating one of the following at an exercise level of 5 METs or less:

1. Horizontal or downsloping depression (from the standing control) of the ST segment to 1.0 mm. or greater, lasting for at least 0.08 second after the J junction, and clearly discernible in at least two consecutive complexes which are on a level baseline in any lead; or

2. Junctional depression occurring during exercise, remaining depressed (from the standing control) to 2.0 mm. or greater for at least 0.08 second after the J junction (the so-called slow upsloping ST segment), and clearly discernible in at least two consecutive complexes which are on a level baseline in any lead; or

3. Premature ventricular systoles which are multiform or bidirectional or are sequentially inscribed (3 or more); or

4. ST segment elevation to 3 mm. or greater; or

5. Development of second or third degree heart block; or

B. In the absence of a report of an acceptable treadmill exercise test (see 4.00G), one of the following:

1. Transmural myocardial infarction exhibiting a QS pattern or a Q wave with amplitude at least 1/3rd or R wave and with a duratioin of 0.04 second or more. (If these are present in leads III and aVF only, the requisite Q wave fidings must be shown, by labelled tracing, to persist on deep inspiration); or

2. Resting ECG findings showing ischemic-type (see § 4.00F1) depression of ST segment to more than 0.5 mm. in either (a) leads I and aVL and V_6 or (b) leads II and III and aVF or (c) leads V_3 through V_6; or

3. Resting ECG findings showing an ischemic configuration or current of injury (see 4.00F1) with ST segment elevation to 2 mm. or more in either (a) leads I and aVL and V_6 or (b) leads II and III and aVF or (c) leads V_3 through V_6; or

4. Resting ECG findings showing symmetrical inversion of T waves to 5.0 mm. or more in any two leads except leads III or aVR or V_1 or V_2; or

5. Inversion of T wave to 1.0 mm. or more in any of leads I, II, aVL, V_2 to V_6 *and* R wave of 5.0 mm. or more in lead aVL *and* R wave greater than S wave in lead aVF; or

6. "Double" Master Two-Step test demonstrating one of the following:

a. Ischemic depression of ST segment to more than 0.5 mm. lasting for at least 0.08 second beyond the J junction and clearly discernible in at least two consecutive complexes which are on a level baseline in any lead; or

b. Development of a second or third degree heart block; or

7. Angiographic evidence (see 4.00H) (obtained independent of social security disability evaluation) showing one of the following:

a. 50 percent or more narrowing of the left main coronary artery; or

b. 70 percent or more narrowing of a *proximal* coronary artery (see 4.00H3) (excluding the left main coronary artery); or

c. 50 percent or more narrowing involving a long (greater than 1 cm.) segment of a proximal coronary artery or multiple proximal coronary arteries; or

C. Resting ECG findings showing left bundle branch block as evidenced by QRS duration of 0.12 second or more in leads I, II, or III *and* R peak duration of 0.06 second or more in leads I, aVL, V_5, or V_6, unless there is a coronary angiogram of record which is negative (see criteria in 4.04B7); or

D. Akinetic or hypokinetic myocardial wall or spetal motion with left ventricular ejection fraction of 30 percent or less measured by contrast or radio-isotopic ventriculographic methods (obtained independent of social security disability evaluation).

4.05 *Recurrent arrhythmias* (not due to digitalis toxicity) resulting in uncontrolled repeated episodes of cardiac syncope and documented by resting or ambulatory (Holter) electrocardiography.

4.09 *Myocardiopathies, rheumatic or syphilitic heart disease.* Evaluate under the criteria in 4.02, 4.04, 4.05, or 11.04.

4.11 *Aneurysm of aorta or major branches* (demonstrated by roentgenographic evidence). With:

A. Acute or chronic dissection not controlled by prescribed medical or surgical treatment; or

B. Congestive heart failure as described under the criteria in 4.02; or

C. Renal failure as described under the criteria in 6.02; or

D. Repeated syncopal episodes.

4.12 *Chronic venous insufficiency* of the lower extremity with incompetency or obstruction of the deep venous return, associated with superficial varicosities, extensive brawny edema, stasis dermatitis, and recurrent or persistent ulceration which has not healed following at least 3 months of prescribed medical or surgical therapy.

4.13 *Peripheral arterial disease.* With:

A. Intermittent claudication with failure to visualize (on arteriogram obtained independent of social security disability evaluation) the common femoral or deep femoral artery in one extremity; or

B. Intermittent claudication with severe impairment of perihpheral arterial circulation as determined by Doppler studies showing:

1. Resting ankle/brachial systolic blood pressure ratio of less than 0.50; or

2. Decrease in systolic blood pressure at ankle on exercise (see 4.00K) to 50 percent or less of preexercise level *and* requiring 10 minutes or more to return to preexercise level.

C. Amputation at or above the tarsal region due to peripheral arterial disease.

5.00 Digestive System

A. *Disorders of the digestive system* which result in severe impairment usually do so because of interference with nutrition, multiple recurrent inflammatory lesions, or complications of disease, such as fistulae, abscesses, or recurrent obstruction. Such complications usually respond to treatment. These complications must be shown to persist on repeated examinations despite therapy for a reasonable presumption to be made that severe impairment will last for a continuous period of at least 12 months.

B. *Malnutrition or weight loss from gastrointestinal disorders.* When the primary disorder of the digestive tract has been established (e.g., enterocolitis, chronic pancreatitis, postgastrointestinal resection, or esophageal stricture, stenosis, or obstruction), the resultant interference with nutrition will be considered under the criteria in 5.08. This will apply whether the weight loss is due to primary or secondary disorders, of malabsorption, malassimilation, or obstruction. However, weight loss not due to diseases of the digestive tract, but associated with psychiatric or primary endocrine or other disorders, should be evaluated under the appropriate criteria for the underlying disorder.

C. *Surgical diversion of the intestinal tract,* including colostomy or ileostomy, are not listed since they do not represent impairments which preclude all work activity if the individual is able to maintain adequate nutrition and function of the stoma. Dumping syndrome which may follow gastric resection rarely represents a severe impairment which would continue for 12 months. Peptic ulcer disease with recurrent ulceration after definitive surgery ordinarily responds to treatment. A recurrent ulcer after definitive surgery must be demonstrated on repeated upper gastrointestinal roentgenograms or gastroscopic examinations despite therapy to be considered a severe impairment which will last for at least 12 months. Definitive surgical procedures are those designed to control the ulcer disease process (i.e., vagotomy and phloroplasty, subtotal gastrectomy, etc.). Simple closure of a perforated ulcer does not constitute definitive surgical therapy for peptic ulcer disease.

5.01 Category of Impairments, Digestive System

5.02 *Recurrent upper gastrointestinal hemorrhage from undetermined cause* with anemia manifested by hematocrit of 30 percent of less on repeated examinations.

5.03 *Stricture, stenosis, or obstruction of the esophagus (demonstrated by X-ray or endoscopy)* with weight loss as described under § 5.08.

5.04 *Peptic ulcer disease (demonstrated by X-ray or endoscopy)* With:

A. Recurrent ulceration after definitive surgery persistent despite therapy; or

B. Inoperable fistula formation; or

C. Recurrent obstruction demonstrated by X-ray or endoscopy; or

D. Weight loss as described under § 5.08.

5.05 *(Chronic liver disease (e.g., portal, postnecrotic, or biliary cirrhosis; chronic active hepatitis; Wilson's disease).* With:

A. Esophageal varices (demonstrated by X-ray or endoscopy) with a documented history of massive hemorrhage attributable to these varices. Consider under a disability for 12 months following the last massive hemorrhage; thereafter, evaluate the residual impairment; or

B. Performance of a shunt operation for esophageal varices. Consider under a disability for 12 months following surgery; thereafter, evaluate the residual impairment; or

C. Serum bulirubin of 2.5 mg. per deciliter (100 ml.) or greater persisting on repeated examinations for at least 5 months; or

D. Ascites, not attributable to other causes, recurrent or persisting for at least 5 months, demonstrated by abdominal paracentesis or associated with persistent hypoalbumnemia of 30 gml per deciliter (100 ml.) or less; or

E. Hepatic encephalopathy. Evaluated under the criteria in listing 12.02; or

F. Confirmation of chronic liver disease by liver biopsy (obtained independent of social security (disability evaluation) and one of the following:

1. Ascites not attributable to other causes, recurrent or persisting for at least 3 months, demonstrated by abdominal paracentesis or associated with persistent hypoalbuminemia of 3.0 gm. per deciliter (100 ml.) or less.

2. Serum bilirubin of 2.5 mg. per deciliter (100 ml.) or greater on repeated examinations for at least 3 months.

3. Hepatic cell necrosis or inflammation, persisting for at least 3 months, documented by repeated abnormalities of prothrombin time and enzymes indicative of hepatic dysfunction.

5.06 *(Chronic ulcerative or granulomatous colitis (demonstrated by endoscropoy, barium enema, biopsy, or operative findings).* With:

A. Recurrent bloody stools documented on repeated examinations and anemia manifested by hematocrit of 30 percent or less on repeated examinations; or

B. Persistent or recurrent systemic manifestations, such as arthritis, iritis, fever, or liver dysfunction, not attributable to other causes; or

C. Intermittent obstruction due to intractable abscess, fistula formation, or stenosis; or

D. Recurrence of findings of A, B, or C above after total colectomy; or

E. Weight loss as described under § 5.08.

5.07 *Regional enteritis (demonstrated by operative findings, barium studies, biopsy, or endoscopy).* With:

A. Persistent or recurrent intestional obstruction evidenced by abdominal pain, distention, nausea, and vomiting and accompanied by stenotic areas of small bowel with proximal intestinal dilation; or

B. Persistent or recurrent systemic manifestations such as arthritis, iritis, fever, or liver dysfunction, not attributable to other causes; or

C. Intermittent obstruction due to intractable abscess or fistula formation; or

D. Weight loss as decribed under § 5.08.

5.08 *Weight loss due to any persisting gastrointestinal disorder.* (The following weights are to be demonstrated to have persisted for at least 3 months despite prescribed therapy and expected to persist at this level for at least 12 months.) With:

A. Weight equal to or less than the values specified in Table I or II; or

B. Weight equal to or less than the values specified in Table III or IV and one of the following abnormal findings on repeated examinations:

1. Serum albumin of 3.0 gm. per deciliter (100 ml.) or less: or

2. Hematocrit of 30 percent or less; or

3. Serum calcium of 8.0 mg. per deciliter (100 ml.) (4.0 mEq./L) or less; or

4. Uncontrolled diabetes mellitus due to pancreatic dysfunction with repeated hyperglycemia, hypoglocemia, or ketosis; or

5. Fat in stool or 7 gm. or greater per 24-hour stool specimen; or

6. Nitrogen in stool of 3 gm. or greater per 24-hour specimen; or

7. Persistent or recurrent ascites or edema not attributable to other causes.

Tables of weight reflecting malnutrition scaled according to height and sex—To be used only in connection with 5.08.

TABLE I.—MEN

Height (inches) [1]	Weight (pounds)
61	90
62	92
63	94
64	97
65	99
66	102
67	106
68	109
69	112
70	115
71	118
72	122
73	125
74	128
75	131
76	134

TABLE II.—WOMEN

Height (inches)[1]	Weight (pounds)
58	77
59	79
60	82
61	84
62	86
63	89
64	91
65	94
66	98
67	101
68	104
69	107
70	110
71	114
72	117
73	120

TABLE III.—MEN

Height (inches)[1]	Weight (pounds)
61	95
62	98
63	100
64	103
65	106
66	109
67	112
68	116
69	119
70	122
71	126
72	129
73	133
74	136
75	139
76	143

TABLE IV.—WOMEN

Height (inches)[1]	Weight (pounds)
58	82
59	84
60	87
61	89
62	92
63	94
64	97
65	100
66	104
67	107
68	111
69	114
70	117
71	121
72	124
73	128

[1] Height measured without shoes.

6.00 Genito-Urinary System

A. *Determination of the presence of chronic renal disease will be based upon* (1) a history, physical examination, and laboratory evidence of renal disease, and (2) indications of its progressive nature or laboratory evidence of deterioration of renal function.

B. *Nephrotic Syndrome.* The medical evidence establishing the clinical diagnosis must include the description of extent of tissue edema, including pretibial, periorbital, or presacral edema. The presence of ascites, pleural effusion, pericardial effusion, and hydroarthrosis should be described if present. Results of pertinent laboratory tests must be provided. If a renal biopsy has been performed, the evidence should include a copy of the report of microscopic examination of the specimen. Complications such as severe orthostatic hypotension, recurrent infections or venous thromboses should be evaluated on the basis of resultant impairment.

C. *Hemodialysis, peritoneal dialysis, and kidney transplantation.* When an individual is undergoing periodic dialysis because of chronic renal disease, severity of impairment is reflected by the renal function prior to the institution of dialysis.

The amount of function restored and the time required to effect improvement in an individual treated by renal transplant depend upon various factors, including adequacy of post-transplant renal function, incidence and severity of renal infection, occurrence of rejection crisis, the presence of systemic complications (anemia, neuropathy, etc.), and side effects of corticosteroids or immunosuppressive agents. A convalescent period of at least 12 months is required before it can be reasonably determined whether the individual has reached a point of stable medical improvement.

D. *Evaluate associated disorders and complications* according to the appropriate body system Listing.

6.01 Category of Impairments, Genito-Urinary System

6.02 Impairment of renal function, due to any chronic renal disease expected to last 12 months (e.g., hypertensive vascular disease, chronic nephritis, nephrolitiasis, polycystic disease, bilateral hydronephrosis, etc.). With:

A. Chronic hemodialysis or peritoneal dialysis necessitated by irreversible renal failure; or

B. Kidney transplant. Consider under a disability for 12 months following surgery; thereafter, evaluate the residual impairment (see 6.00C); or

C. Persistent elevation of serum creatinine to 4 mg. per deciliter (100 ml.) or greater or reduction of creatinine clearance to 20 ml. per minute (29 liters/24 hours) or less, over at least 3 months, with one of the following:

1. Renal osteodystrophy manifested by severe bone pain and appropriate radiographic abnormalities (e.g., osteitis fibrosa, severe osteoporosis, pathologic fractures); or

2. A clinical episode of pericarditis; or

3. Persistent motor or sensory neuropathy; or

4. Intractable pruritus; or

5. Persistent fluid overload syndrome resulting in diastolic hypertension (110 mm. or above) or signs of vascular congestion; or

6. Persistent anorexia with recent weight loss and current weight meeting the values in 5.08, Table III or IV; or

7. Persistent hematocrits of 30 percent or less.

6.06 *Nephrotic syndrome, with severe anasarca, persistent for at least 3 months desite prescribed therapy.* With:

A. Serum albumin of 3.0 gm. per deciliter (100 ml.) or less *and* proteinuria of 3.5 gm. per 24 hours or greater; or

B. Proteinuria of 10.0 gm. per 24 hours or greater.

7.00 Hemic and Lymphatic System

A. *Impairment caused by anemia* should be evaluated according to the ability of the individual to adjust to the reduced oxygen-carrying capacity of the blood. A gradual reduction in red cell mass, even to very low values, is often well tolerated in individuals with a healthy cardiovascular system.

B. *Chronicity is indicated by* persistence of the condition for at least 3 months. The laboratory findings cited must reflect the values reported on more than one examination over that 3-month period.

C. *Sickle cell disease* refers to a chronic hemolytic anemia associated with sickle cell hemoglobin, either homozygous or in combination with thalassemia or with another abnormal hemoglobin (such as C or F).

Appropriate hematologic evidence for sickle cell disease, such as hemoglobin electrophoresis, must be included. Vaso-occlusive or aplastic episodes should be documented by description of severity, frequency, and duration.

Major visceral episodes include meningitis, osteomyelitis, pulmonary infections or infarctions, cerebrovascular accidents, congestive heart failure, genito-urinary involvement, etc.

D. *Coagulation defects.* Chronic inherited coagulation disorders must be documented by appropriate laboratory evidence. Prophylactic therapy such as with antihemophilic globulin (AHG) concentrate does not in itself imply severity.

E. *Acute leukemia.* Initial diagnosis of acute leukemia must be based upon definitive bone marrow pathologic evidence. Recurrent disease may be documented by peripheral blood, bone marrow, or cerebrospinal fluid examination. The pathology report must be included.

The acute phase of chronic myelocytic (granulocytic) leukemia should be cosidered under the requirements for acute leukemia.

The criteria in 7.11 contain the designated duration of disability implicit in the finding of a listed impairment. Following the designated time period, a documented diagnosis itself is no longer sufficient to establish a severe impairment. The severity of any remaining impairment must be evaluated on the basis of the medical evidence.

7.01 Category of Impairments, Hemic and Lymphatic System

7.02 *Chronic anemia (hematocrit persisting at 30 percent or less due to any cause).*

A. Evaluate the resulting impairment under criteria for the affected body system; or

B. Requiring one or more blood transfusions on an average of at least once every 2 months.

7.05 *Sickle cell disease, or one of its variants.* With:

A. Documented painful (thrombotic) crises occurring at least three times during the 5 months prior to adjudication; or

B. Requiring extended hospitalization (beyond emergency care) at least three times during the 12 months prior to adjudication; or

C. Chronic, severe anemia with persistence of hematocrit of 26 percent or less; or

D. Evaluate the resulting impairment under the criteria for the affected body system.

7.06 *Chronic thrombocytopenia (due to any cause)* with platelet counts repeatedly below 40,000/cubic millimeter. With:

A. At least one spontaneous hemorrhage, requiring transfusion, within 5 months prior to adjudication; or

B. Intracranial bleeding within 12 months prior to adjudication.

7.07 *Hereditary telangiectasia* with hemorrhage requiring transfusion at least three times during the 5 months prior to adjudication.

7.08 *Coagulation defects (nemophilia or a similar disorder)* with spontaneous hemorrhage requiring transfusion at least three times during the 5 months prior to adjudication.

7.09 *Polycythemia vera (with erythrocytosis, splenomegaly, and leukocytosis or thrombocytosis).* Evaluate the resulting impairment under the criteria for the affected body system.

7.10 *Myelofibrosis (myeloproliferative syndrome).* With:

A. Chronic anemia. Evaluate according to the criteria of § 7.02; or

B. Documented recurrent systemic bacterial infections occurring at least 3 times during the 5 months prior to adjudication; or

C. Intractable bone pain with radiologic evidence of osteosclerosis.

7.11 *Acute leukemia.* Consider under a disability for 2½ years from the time of initial diagnosis.

7.12 *Chronic leukemia.* Evaluate according to the criteria of 7.02, 7.06, 7.10B, 7.11, 7.17, or 13.06A.

7.13 *Lymphomas.* Evaluate under the criteria in 13.06A.

7.14 *Macroglobulinemia or heavy chain disease,* confirmed by serum or urine protein electrophoresis or immunoelectrophoresis. Evaluate impairment under criteria for affected body system or under 7.02, 7.06, or 7.08.

7.15 *Chronic granulocytopenia (due to any cause).* With both A and B:

A. Absolute neutrophil counts repeatedly below 1,000 cells/cubic millimeter; and

B. Documented recurrent systemic bacterial infections occurring at least 3 times during the 5 months prior to adjudication.

7.16 *Myeloma (confirmed by appropriate serum or urine protein electrophoresis and bone marrow findings).* With:

A. Radiologic evidence of bony involvement with intractable bone pain; or

B. Evidence of renal impairment as described in 6.02; or

C. Hypercalcemia with serum calcium levels persistently greater than 11 mg. per deciliter (100 ml.) for at least 1 month despite prescribed therapy; or

D. Plasma cells (100 or more cells/cubic millimeter) in the peripheral blood.

7.17 *Aplastic anemias or hematologic malignancies (excluding acute leukemia):* With bone marrow transplantation. Consider under a disability for 12 months following transplantation; thereafter, evaluate according to the primary characteristics of the residual impairment.

8.00 Skin

A. *Skin lesions* may result in severe, long-lasting impairment if they involve extensive body areas or critical areas such as the hands or feet and become resistant to treatment. These lesions must be shown to have persisted for a sufficient period of time despite therapy for a reasonable resumption to be made that severe impairment will last for a continuous period of at least 12 months. The treatment for some of the skin diseases listed in this section may require the use of high dosage of drugs with possible serious side effects; these side effects should be considered in the overall evaluation of impairment.

B. *When skin lesions are associated with systemic disease* and where that is the predominant problem, evaluation should occur according to the criteria in the appropiate section. Disseminated (systemic) lupus erythematosus and scleroderma usually involve more than one body system and should be evaluated under 10.04 and 10.05. Neoplastic skin lesions should be evaluated under 13.00ff. When skin lesions (including burns) are associated with contractures or limitation of joint motion, that impairment should be evaluated under 1.00ff.

8.01 Category of Impairments, Skin

8.02 *Exfoliative dermatitis, ichthyosis, ichthyosiform erythroderma.* With extensive lesions not responding to prescribed treatment.

8.03 *Pemphigus, erythema multiforme bullosum, bullous pemphigoid, dermatitis herpetiformis.* With extensive lesions not responding to prescribed treatment.

8.04 *Deep mycotic infections.* With extensive fungating, ulcerating lesions not responding to prescribed treatment.

8.05 *Psoriasis, atopic dermatitis, dyshidrosis.* With extensive lesions,

including involvement of the hands or feet which impose a severe limitation of function and which are not responding to prescribed treatment.

8.06 *Hydradenitis suppurative, acne conglobata.* With extensive lesions involving the axilae or perineum not responding to prescribe medical treatment and not amenable to surgical treatment.

9.00 Endocrine System

Cause of impairment. Impairment is caused by overproduction or underproduction of hormones, resulting in structural of functional changes in the body. Where involvement of other organ systems has occurred as a result of a primary endocrine disorder, these impairments should be evaluated according to the criteria under the appropriate sections.

9.01 Category of Impairments, Endocrine

9.02 *Thyroid Disorders.* With:

A. Progressive exophthalmos as measured by exophthalmometry; or

B. Evaluate the resulting impairment under the criteria for the affected body system.

9.03 *Hyperparathyroidism.* With:

A. Generalized decalcification of bone on X-ray study and elevation of plasma calcium to 11 mg. per deciliter (100 ml.) or greater; or

B. A resulting impairment. Evaluate according to the criteria in the affected body system.

9.04 *Hypoparathyroidism.* With:

A. Severe recurrent tetany; or

B. Recurrent generalized convulsions; or

C. Lenticular cataracts. Evaluate under the criteria in 2.00ff.

9.05 *Neurohypophyseal insufficiency (diabetes insipidus).* With urine specific gravity of 1.005 or below, persistent for at least 3 months and recurrent dehydration.

9.06 *Hyperfunction of the adrenal cortex.* Evaluate the resulting impairment under the criteria for the affected body system.

9.08 *Diabetes mellitus.* With:

A. Neuropathy demonstrated by significant and persistent disorganization of motor function in two extremities resulting in sustained disturbance of gross and dexterous movements, or gait and station (see 11.00C); or

B. Acidosis occurring at least on the average of once every 2 months documented by appropriate blood chemical tests (pH or pCO2 or bicarbonate levels); or

C. Amputation at, or above, the tarsal region due to diabetic necrosis or peripheral arterial disease; or

D. Retinitis proliferans; evaluate the visual impairment under the criteria in 2.02, 2.03, or 2.04.

10.00 Multiple Body Systems

A. The impairments included in this section usually involve more than a single body system.

B. Long-term massive obesity may be associated with disorders of the musculoskeletal, cardiovascular, peripheral vascular, and pulmonary systems, and the occurrence of these disorders is the major cause of impairment. The evaluation of these impairments should be considered under the criteria for the affected body system. Extreme obesity may result in restrictions imposed by body weight. The criteria in 10.10 provide tables for weight by sex and height and represent approximately 100 percent above the average weight for the 1971–74 population reported in "Vital and Health Statistics, Series 11—Number 208" from the U.S. Department of Health and Human Services.

If the individual's weight is equal to or exceeds the values in the tables in 10.10, the inability to perform any work is established, without the need to evaluate the specific restriction imposed on the various body systems because of extreme obesity.

If the individual's weight does not meet the level required by the appropriate table, the specific impairments associated with or resulting from the obesity should be evaluated under the criteria for the affected body system.

10.01 Category of Impairments, Multiple Body Systems

10.02 *Hansen's disease (leprosy).* As active disease or consider as "under a disability" while hospitalized.

10.03 *Polyarteritis or periarteritis nodosa (established by biopsy).* With signs of generalized arterial involment.

10.04 *Disseminated lupus erythematosus (established by a positive LE preparation or biopsy or positive ANA test).* With frequent exacerbations demonstrating involvement of renal or cardiac or pulmonary or gastrointestinal or central nervous systems.

10.05 *Scleroderma or progressive systemic sclerosis (the diffuse or generalized form).* With

A. Advanced limitation of use of hands due to sclerodactylia or limitation in other joints; or

B. Significant visceral manifestations of digestive, caridac, or pulmonary impairment

10.10 *Obesity.* Weight equal to or greater than the values specified in Table I for males and Table II for females, which has been demonstrated to have persisted at this level for at least 3 months despite prescribed therapy and expected to persist at this level for at least 12 months:

TABLE I.—MALES

Height (inches) [1]	Weight (pounds)
62 or less	280
63	290
64	300
65	310
66	320
67	330
68	340
69	350
70	360
71	370
72	380
73	390
74	400
75	410
76	420

[1] Height measured without shoes.

TABLE II.—FEMALES

Height (inches) [1]	Weight (pounds)
57	246
58	252
59	258
60	264
61	270
62	276
63	282
64	288
65	294
66	300
67	306
68	312
69	318
70	324
71	330
72	336

[1] Height measured without shoes.

11.00 Neurological

A. *Convulsive disorders.* In convulsive disorders, regardless of etiology, severity will be determined according to type, frequency, duration, and sequelae of seizures. At least one detailed description of a typical seizure is required. Such description includes the presence or absence of aura, tongue bits, sphincter control, injuries associated with the attack, and postictal phenomena. The reporting physician should indicate the extent to which description of seizures reflects his own observations and the source of ancillary information. Testimony of persons other than the claimant is essential for description of type and frequency of seizures if professional observation is not available.

Documentation of epilepsy should include at least one electroencephalogram (EEG).

Under 11.02 and 11.03, a severe impairment is considered present only if it persists despite the fact that the individual is following prescribed anticonvulsive treatment. Adherence to prescribed anticonvulsant therapy can ordinarily be determined from objective clinical findings in the report of the physician currently providing treatment for epilepsy. Determination of blood levels of phenytoin sodium or other anticonvulsive drugs serves to indicate whether the prescribed medication is being taken. When seizures are occurring at the frequency stated in 11.02 or 11.03, evaluation of the severity of the impairment must include consideration of the blood drug levels. Should blood drug levels appear therapeutically inadequate, consideration should be given as to whether this is caused by individual idosyncrasy in absorption or metabolism of the drug. Where adequate seizure control is obtained only with unusually large doses, the possibility of impairment resulting from the side effects of this medication must also be assessed. Where documentation shows that use of alcohol or drugs affects adherence to prescribed therapy or may play a part in the precipitation of seizures, this must also be considered in the overall assessment of impairment severity.

B. *Brain tumors.* The diagnosis of malignant brain tumors should be established, and the persistence of the tumor should be evaluated, under the criteria described in 13.00B and C for neoplastic disease.

In histologically malignant tumors, the pathological diagnosis alone will be the decisive criterion for severity and expected

duration (see 11.05A). For other tumors of the brain, the severity and duration of the impairment will be determined on the basis of symptoms, signs, and pertinent laboratory findings (11.05B).

C. *Persistent disorganization of motor function* in the form of paresis or paralysis, tremor or other involuntary movements, ataxia and sensory disturbances (any or all of which may be due to cerebral, cerebellar, brain stem, spinal cord, or peripheral nerve dysfunction) which occur singly or in various combinations, frequently provides the sole or partial basis for decision in cases of neurological impairment. The assessment of impairment depends on the degree of interference with locomotion and/or interference with the use of fingers, hands, and arms.

D. *In conditions which are episodic in character,* such as multiple sclerosis or myasthenia gravis, consideration should be given to frequency and duration of exacerbations, length of remissions, and permanent residuals.

11.01 Category of Impairments, Neurological

11.02 *Epilepsy—major motor seizures, (grand mal or psychomotor), documented by EEG and by detailed description of a typical seizure pattern, including all associated phenomena; occurring more frequently than once a month, in spite of at least 3 months of prescribed treatment.* With:

A. Diurnal episodes (loss of consciousness and convulsive seizures); or

B. Nocturnal episodes manifesting residuals which interfere significantly with activity during the day.

11.03 *Epilepsy—minor motor seizures (petit mal, psychomotor, or focal), documented by EEG and by detailed description of a typical seizure pattern, including all associated phenomena; occurring more frequently than once weekly in spite of at least 3 months of prescribed treatment.* With alteration of awareness or loss of consciousness and transient postictal manifestations of unconventional behavior or significant interference with activity during the day.

11.04 *Central nervous system vascular accident.* With one of the following more than 3 months post-vascular accident:

A. Sensory or motor aphasia resulting in ineffective speech or communication; or

B. Significant and persistent disorganization of motor function in two extremities, resulting in sustained disturbance of gross and dexterous movements, or gait and station (see 11.00C).

11.05 *Brain tumors.*

A. Malignant gliomas (astrocytoma—grades III and IV, glioblastoma multiforme), medulloblastoma, ependymoblastoma, or primary sarcoma; or

B. Astrocytoma (grades I and II). meningioma, pituitary tumors, oligodendroglioma, ependymoma, clivus chordoma, and benign tumors. Evaluate under 11.02, 11.03, 11.04 A, or B, or 12.02.

11.06 *Parkinsonian syndrome* with the following signs: Significant rigidity, brady kinesia, or tremor in two extremities, which, singly or in combination, result in sustained disturbance of gross and dexterous movements, or gait and station.

11.07 *Cerebal palsy.* With:

A. IQ of 69 or less; or

B. Abnormal behavior patterns, such as destructiveness or emotional instability; or

C. Significant interference in communication due to speech, hearing, or visual defect; or

D. Disorganization of motor function as described in 11.04B.

11.08 *Spinal cord or nerve root lesions, due to any cause* with disorganization of motor function as described in 11.04B.

11.09 *Multiple sclerosis.* With:

A. Disorganization of motor function as described in 11.04B; or

B. Visual or mental impairment as described under the criteria in 2.02, 2.03, 2.04, or 12.02.

11.10 *Amyotrophic lateral sclerosis.* With:

A. Significant bulbar signs; or

B. Disorganization of motor function as described in 11.04B.

11.11 *Anterior poliomyelitis.* With:

A. Persistent difficulty with swallowing or breathing; or

B. Unintelligible speech; or

C. Disorganization of motor function as described in 11.04B.

11.12 *Myasthenia gravis.* With:

A. Significant difficulty with speaking, swallowing, or breathing while on prescribed therapy; or

B. Significant motor weakness of muscles of extremities on repetitive activity against resistance while on prescribed therapy.

11.13 *Muscular dystrophy* with disorganization of motor function as described in 11.04B.

11.14 *Peripheral neuropathies.* With disorganization of motor function as described in 11.04B, in spite of prescribed treatment.

11.15 *Tabes dorsalis.* With:

A. Tabetic crises occurring more frequently than once monthly; or

B. Unsteady, broad-based or ataxic gait causing significant restriction of mobility substantiated by appropriate posterior column signs.

11.16 *Subacute combined cord degeneration (pernicious anemia) with disorganization of motor function as described in 11.04B or 11.15B, not significantly improved by prescribed treatment.*

11.17 *Degenerative disease not listd elsewhere, such as Huntington's chorea, Friedreich's ataxia, and spino-cerebellar degeneration.* With:

A. Disorganization of motor function as described in 11.04B or 11.15B; or

B. Chronic brain syndrome. Evaluate under 12.02.

11.18 *Cerebral trauma:* Evaluate under the provisions of 11.02, 11.03, 11.04, and 12.02, as applicable.

11.19 *Syringomyelia.* With:

A. Significant bulbar signs; or

B. Disorganization of motor function as described in 11.04B.

12.00 Mental Disorders

A. *Introduction:* The evaluation of disability applications on the basis of mental disorders requires consideration of the nature and clinical manifestations of the medically determinable impairment(s) as well as consideration of the degree of limitation such impairment(s) may impose on the individual's ability to work, as reflected by (1) daily activities both in occupational and social spheres; (2) range of interest; (3) ability to take care of personal needs; and (4) ability to relate to others. This evaluation must be based on medical evidence consisting of demonstrable clinical signs (medically demonstrable phenomena, apart from the individual's symptoms, which indicate specific abnormalities of behavior, affect, thought, memory, orientation, or contact with reality) and laboratory findings (including psychological tests) relevant to such issues as restriction of daily activities, constriction of interests, deterioration of personal habits (including personal hygiene), and impaired ability to relate to others.

To severity and duration of mental impairment(s) should be evaluated on the basis of reports from psychiatrists, psychologists, and hospitals, in conjunction with adequate descriptions of daily activities from these or other sources. Since confinement in an institution may occur because of legal or social requirements, confinement per se does not establish that impairment is severe. Similarly, release from an institution does not establish improvement. As always, severity and duration of impairment are determined by the medical evidence. A description of the individual's personal appearance and behavior at the time of the examination is also important to the evaluation process.

Diagnosis alone is insufficient as a basis for evaluation of the severity of mental impairment(s). Accordingly, the criteria of severity under mental disorders are arranged in four comprehensive groups; chronic brain syndromes (see 12.02), functional (nonorganic) psychotic disorders (see 12.03), functional nonpsychotic disorders (see 12.04), and mental retardation (see 12.05). Each category consists of a set of clinical findings, one or more of which must be met, and a set of functional restrictions, all of which must be met. The functional restrictions are to be interpreted in the light of the extent to which they are imposed by psychopathology.

The criteria for severity of mental impairment(s) are so constructed that a decision can be reached even if there are disagreements regarding diagnosis. All available clinical and laboratory evidence must be considered since it is not unusual to find, in the same individual, signs and test. results associated with several pathological conditions, mental or physical. For example, an individual might show evidence of depression, chronic brain syndrome, cirrhosis of the liver, etc., in various combinations.

In some cases, the results of well-standardized psychological tests, such as the Wechsler Adult Intelligence Scale—Revised (WAIS–R) and the Minnesota Multiphasic Personality Inventory (MMPI), may contribute to the assessment of severity of impairment. To provide full documentation, the psychological report should include key data on which the report was based, such as MMPI profiles, WAIS–R subtest scores, etc.

B. *Discussion of Mental Disorders:*

1. *Chronic brain syndromes* (organic brain syndromes) result from persistent, more or less irreversible, diffuse impairment of cerebral tissue function. They are usually permanent and may be progressive. They may be accompanied by psychotic or neurotic behavior superimposed on organic brain pathology. The degree of impairment may range from mild to severe. Acute brain syndromes are temporary and reversible conditions with favorable prognosis and no significant residuals. Occasionally, an acute brain syndrome may progress into a chronic brain syndrome.

2. *Functional psychotic disorders* are characterized by demonstrable mental abnormalities without demonstrable structural changes in brain tissue. Mood disorders (involutional psychosis, manic-depressive illness, psychotic depressive reaction) or thought disorders (schizophrenias and paranoid states) are characterized by varying degrees of personality disorganization and accompanied by a corresponding degree of inability to maintain contact with reality (e.g., hallucinations, delusions).

3. *Functional nonpsychotic disorders* are likewise characterized by demonstrable mental abnormalities without demonstrable structural changes in brain tissue (psychophysiologic, neurotic, personality and certain other nonpsychotic disorders).

a. *Psychophyiologic (autonomic and visceral)* disorders (e.g., cardiovascular, gastrointestinal, genitourinary, musculoskeletal, respiratory). In these conditions, the normal physiological expression of emotions is exaggerated by chronic emotional tensions, eventually leading to a disruption of the autonomic regulatory system and resulting in various visceral disorders. If the condition persists, it may lead to demonstrable structural changes (e.g., peptic ulcer, bronchial asthma, dermatitis).

b. *Neurotic disorders* (e.g., anxiety, depressive, hysterical, obsessive-compulsive, and phobic neuroses). In these conditions there are no gross falsifications of reality such as observed in the psychoses in the form of hallucinations or delusions. Neuroses are characterized by reactions to deep-seated conflicts and are classified by the defense mechanisms the individual employes to stave off the threat of emotional decompensation (e.g., anxiety, depression, conversion, obsessive-compulsive, or phobic mechanism). Anxiety or depression occurring in connection with overwhelming external situations (i.e., situational reactions) are self-limited and the symptoms usually recede when the situational stress diminishes.

c. *Other functional nonpsychotic disorders*, including paranoid, cyclothymic, schizoid, explosive, obsessive-compulsive, hysterical, asthenic, antisocial, passive-aggressive, and inadequate personality; sexual deviation; alcohol addiction and drug addicition. These disorders are characterized by deeply ingrained maladaptive patterns of behavior, generally of long duration. Unlike neurotic disorders, conflict in these cases is not primarily within the individual but between the individual and his environment. In many of these conditions, the patient may experience little anxiety and little or no sense of distress, except when anxiety and distress are consequences of maladaptive bahavior.

4. *Mental retardation* denotes a lifelong condition characterized by below-average intellectual endowment as measured by well-standardized intelligence (IQ) tests and associated with impairment in one or more of the following areas: learning, maturation, and social adjustment. The degree of impairment should be determined primarily on the basis of intelligence level and the medical report. Care should be taken to ascertain that test results are consistent with daily activities and behavior. A well-standardized, comprehensive intelligence test, such as the Wechsler Adult Intelligence Scale—Revised (WAIS–R) should be administered and interpreted by a psychologist or psychiatrist qualified by training and experience to perform such an evaluation. In special circumstances, nonverbal measures, such as the Raven Progressive Matrices or the Arthur Point Scale, may be substituted.

Unfortunately, identical IQ scores obtained from different tests do not always reflect a similar degree of intellectual function. In this connection, it may be noted that on the WAIS–R perhaps currently the most widely used measure of intellectual ability in adults, IQ's of 69 and below are characteristic of approximately the lowest 2 percent of the general population. In instances where other tests are administered, it will be necessary to convert the IQ to the corresponding percentile rank in the general population in order to determine the actual degree of impairment reflected by the IQ scores. Where more than one IQ is customarily derived from the test administered, i.e., where Verbal, Performance, and Full Scale IQ's are provided as on the WAIS–R, the lowest of these is to be used in conjunction with 12.05.

In cases where the nature of the individual's impairment is such that testing, as described above, is precluded, medical reports specifically describing describing the level of intellectual, social, and physical function should be obtained. Actual observations by district office or State DDS personnel, reports from educational institutions, and information furnished by public welfare agencies or other reliable, objective sources should be considered as additional evidence.

12.01 Category of Impairments, Mental

12.02 *Chronic brain syndromes* (organic brain syndromes). With both A and B:

A. Demonstrated deterioration in intellectual functioning, manifested by persistence of one or more of the following clinical signs:

1. Marked memory defect for recent events; or

2. Impoverished, slowed, perseverative thinking, with confusion or disorientation; or

3. Labile, shallow, or coarse affect;

B. Resulting persistence of marked restriction of daily activities and constriction of interests and deterioration in personal habits and seriously impaired ability to relate to other people.

12.03 *Functional psychotic disorders* (mood disorders, schizophrenias, paranoid states). With both A and B:

A. Manifested persistence of one or more of the following clinical signs:

1. Depression (or elation); or

2. Agitation; or

3. Psychomotor disturbances; or

4. Hallucinations or delusions; or

5. Autistic or other regressive behavior; or

6. Inappropriateness of affect; or

7. Illogical association of ideas;

B. Resulting persistence of marked restriction of daily activities and constriction of interests and seriously impaired ability to relate to other people.

12.04 *Functional nonpsychotic disorders* (psychophysiologic, neurotic, and personality disorders; addictive dependence on alcohol or drugs). With both A and B:

A. Manifested persistence of one or more of the following clinical signs:

1. Demonstrable and persistent structural changes mediated through psychophysiological channels (e.g., duodenal ulcer); or

2. Recurrent and persistent periods of anxiety, with tension, apprehension, and interference with concentration and memory; or

3. Persistent depressive affect with insomnia, loss of weight, and suicidal preoccupation; or

4. Persistent phobic or obsessive ruminations with inappropriate, bizarre, or disruptive behavior; or

5. Persistent compulsive, ritualistic behavior; or

6. Persistent functional disturbance of vision, speech, hearing, or use of a limb with demonstrable structural or trophic changes; or

7. Persistent, deeply ingrained, maladaptive patterns of behavior manifested by either:

a. Seclusiveness or autistic thinking; or

b. Pathologically inappropriate suspiciousness or hostility;

B. Resulting persistence of marked restriction of daily activities and constriction of interests and deterioration in personal habits and seriously impaired ability to relate to other people.

12.05 *Mental retardation.* As manifested by:

A. Severe mental and social incapacity as evidence by marked dependence upon others for personal need (e.g., bathing, washing, dressing, etc.) and inability to understand the spoken word and inability to avoid physical danger (fire, cars, etc.) and inability to follow sample directions and inability to read, write, and perform simple calculations; or

B. IQ of 59 or less (see 12.00B4); or

C. IQ of 60 to 69 inclusive (see 12.00B4) and a physical or other mental impairment imposing additional and signficant work-related limitation of function.

13.00 Neoplastic Disease—Malignant

A. *Introduction:* The determination of the level of severity resulting from malignant tumors is made from a consideration of the site of the lesion, the histogenesis of the tumor, the extent of involvement, the apparent adequacy and response to therapy (surgery, irradiation, hormones, chemotherapy, etc.), and the magnitude of the post-therapeutic residuals.

B. *Documentation:* The diagnosis of malignant tumor should be established on the basis of symptoms, signs, and laboratory findings. The site of the primary, recurrent, and metastatic lesion must be specified in all cases of malignant neoplastic diseases. If an operative procedure has been performed, the evidence should include a copy of the operative note and the report of the gross and microscopic examination of the surgical specimen. If these documents are not obtainable, then the summary of hospitalization or a report from the treating physician must include details of the findings at surgery and the results of the pathologist's gross and microscopic examination of the tissues.

For those cases in which a disabling impairment was not established when therapy was begun but progression of the disease is likely, current medical evidence should include a report of a recent examination directed especially at local or regional recurrence, soft part or skeletal metastases, and significant posttherapeutic residuals.

C. *Evaluation.* Usually, when the malignant tumor consists of a local lesion with metastasis to the regional lymph nodes which apparently has been completely excised, imminent recurrence or metastasis is not anticipated. A number of exceptions are noted in the specific Listings. For adjudicative purposes, "distant metastasis" or "metastasis beyond the regional lymph nodes" refers to metastasis beyond the lines of the usual radical en bloc resection.

Local or regional recurrence after radical surgery or pathlogical evidence of incomplete excision by radical surgery is to be equated with unresectable lesions (except for carcinoma of the breast, 13.09C) and, for the purposes of our program, may be evaluated as "inoperable."

Local or regional recurrence after incomplete excision of a localized and still completely resectable tumor is not to be equated with recurrence after radical surgery. In the evaluation of lymphomas, the tissue type and site of involvement are not necessarily indicators of the severity of the impairment.

When a malignant tumor has metastasized beyond the regional lymph nodes, the impairment will usually be found to meet the requirements of a specific listing. Exceptions are hormone-dependent tumors, isotope-sensitive metastases, and metastases from seminoma of the testicles which are controlled by definitive therapy.

When the original tumor and any metastases have apparently disappeared and have not been evident for 3 or more years, the impairment does not meet the criteria under this body system.

D. *Effects of therapy.* Significant posttherapeutic residuals, not specifically included in the category of impairments for malignant neoplasms, should be evaluated according to the affected body system.

Where the impairment is not listed in the Listing of Impairments and is not medically equivalent to a listed impairment, the impact of any residual impairment including that caused by therapy must be considered. The therapeutic regimen and consequent adverse response to therapy may vary widely; therefore, each case must be considered on an individual basis. It is essential to obtain a specific description of the therapeutic regimen, including the drugs given, dosage, frequency of drug administration, and plans for continued drug administration. It is necessary to obtain a description of the complications or any other adverse response to therapy such as nausea, vomiting, diarrhea, weakness, dermatologic disorders, or reactive mental disorders. Since the severity of the adverse effects of anticancer chemotherapy may change during the period of drug administration, the decision regarding the impact of drug therapy should be based on a sufficient period of therapy to permit proper consideration.

E. *Onset.* To establish onset of disability prior to the time a malignancy is first demonstrated to be inoperable or beyond control by other modes of therapy (and prior evidence is nonexistent) requires medical judgment based on medically reported symptoms, the type of the specific malignancy, its location, and extent of involvement when first demonstrated.

13.01 Category of Impairments, Neoplastic Diseases—Malignant

13.02 *Head and neck* (except salivary glands—13.07, thyroid gland—13.08, and mandible, maxilla, orbit, or temporal fossa—13.11):

A. Inoperable; or

B. Not controlled by prescribed therapy; or

C. Recurrent after radical surgery or irradiation; or

D. With distant metastasis; or

E. Epidermoid carcinoma occurring in the pyriform sinus or posterior third of the tongue.

13.03 *Sarcoma of Skin:*

A. Angiosarcoma with metastasis to regional lymph nodes or beyond; or

B. Mycosis fungoides with metastases to regional lymph nodes, or with visceral involvement.

13.04 *Sarcoma of soft parts:* Not controlled by prescribed therapy.

13.05 *Malignant melanoma:*

A. Recurrent after wide excision; or

B. With metastasis to adjacent skin (satellite lesions) or elsewhere.

13.06 *Lymph nodes:*

A. Hodgkin's disease or non-hodgkin's lymphoma with progressive disease not controlled by prescribed therapy; or

B. Metastatic carcinoma in a lymph node (except for epidermoid carcinoma in a lymph node in the neck) where the primary site is not determined after adequate search; or

C. Epidermoid carcinoma in a lymph node in the neck not responding to prescribed therapy.

13.07 *Salivary glands*—carcinoma or sarcoma with metastasis beyond the regional lymph nodes.

13.08 *Thyroid gland*—carcinoma with metastasis beyond the regional lymph nodes, not controlled by prescribed therapy.

13.09 *Breast:*

A. Inoperable carcinoma; or

B. Inflammatory carcinoma; or

C. Recurrent carcinoma, except local recurrence controlled by prescribed therapy; or

D. Distant metastasis from breast carcinoma (bilateral breast carcinoma, synchronous or metachronus, is usually primary in each breast); or

E. Sarcoma with metastasis anywhere.

13.10 *Skeletal system* (exclusive of the jaw):

A. Malignant primary tumors with evidence of metastases and not controlled by prescribed therapy; or

B Metastic carcinoma to bone where the primary site is not determined after adequate search.

13.11 *Mandible, maxilla, orbit, or temporal fossa:*

A. Sarcoma of any type with metastasis; or

B. Carcinoma of the antrum with extension into the orbit or ethmoid or sphenoid sinus, or with regional or distant metastasis; or

C. Orbital tumors with intracranial extension; or

D. Tumors of the temporal fossa with perforation of skull and meningeal involvement; or

E. Adamantinoma with orbital or intracranial infiltration; or

F. Tumors of Rathke's pouch with infiltration of the base of the skull or metastasis.

13.12 *Brain or spinal cord:*

A. Metastatic carcinoma to brain or spinal cord.

B. Evaluate other tumours under the criteria described in 11.05 and 11.08.

13.13 *Lungs:*

A. Unresectable or with incomplete excision; or

B. Recurrence or metastases after resection; or

C. Oat cell (small cell) carcinoma; or

D. Squamous cell carcinoma, with metastases beyond the hilar lymph nodes; or

E. Other histologic types of carcinoma, including undifferentiated and mixed-cell types (but excluding oat cell carcinoma, 13.13C, and squamous cell carcinoma, 13.13D), with metastases to the hilar lymph nodes.

13.14 *Pleura or mediastinum:*

A. Malignant mesothelioma of pleura; or

B. Malignant tumors, metastatic to pleura; or

C. Malignant primary tumor of the mediastinum not controlled by prescribed therapy.

13.15 *Abdomen:*

A. Generalized carcinomatosis; or

B. Retroperitoneal cellular sarcoma not controlled by prescribed therapy; or

C. Ascites with demonstrated malignant cells.

13.16 *Esophagus or stomach:*

A. Carcinoma or sarcoma of the esophagus; or

B. Carcinoma of the stomach with metastasis to the regional lymph nodes or extension to surrounding structure; or

C. Sarcoma of stomach not controlled by prescribed therapy; or

D. Inoperable carcinoma; or

E. Recurrence or metastasis after resection.

13.17 *Small intestine:*

A. Carcinoma, sarcoma, or carcinoid tumor with metastasis beyond the regional lymph nodes; or

B. Recurrence of carcinoma, sarcoma, or carcinoid tumor after resection; or

C. Sarcoma, not controlled by prescribed therapy.

13.18 *Large intestine* (from ileocecal valve to and including anal canal)—Carcinoma or sarcoma.

A. Unresectable; or

B. Metastasis beyond the regional lymph nodes, or

C. Recurrence or metastasis after resection.

13.19 *Liver or gallbladder:*

A. Primary or metastatic malignant tumors of the liver; or

B. Carcinoma of the gallbladder; or

C. Carcinoma of the bile ducts.

13.20 *Pancreas:*

A. Carcinoma except islet cell carcinoma; or

B. Islet cell carcinoma which is unresectable and physiologically active.

13.21 *Kidneys, adrenal glands, or ureters—carcinoma:*

A. Unresectable; or

B. With hematogenous spread to distant sites; or

C. With metastases to regional lymph nodes.

13.22 *Urinary bladder—carcinoma.* With:

A. Infiltration beyond the bladder wall; or

B. Metastases to regional lymph nodes; or

C. Unresectable; or

D. Recurreence after total cystectomy; or

E. Evaluate renal impairment after total cystectomy under the criteria in 6.02.

13.23 *Prostate gland*—carcinoma not controlled by prescribed therapy.

13.24 *Testicles:*

A. Choriocarcinoma; or

B. Other malignant primary tumors with progressive disease not controlled by prescribed therapy.

13.25 *Uterus*—carcinoma or sarcoma (corpus or cervix).

A. Inoperable and not controlled by prescribed therapy; or

B. Recurrent after total hysterectomy; or

C. Total pelvic extenteration.

13.26 *Ovaries*—all malignant, primary or recurrent tumors. With:

A. Ascites with demonstrated malignant cells; or

B. Unresectable infiltration; or

C. Unresectable metastasis to omentum or elsewhere in the peritoneal cavity; or

D. Distant metastasis.

13.27 *Leukemia:* Evaluate under the criteria of 7.ooff, Hemic and Lymphatic System.

13.28 *Uterine (Fallopian) tubes—carcinoma or sarcoma:*

A. Unresectable; or

B. Metastases to regional lymph nodes.

13.29 *Penis—carcinoma, with metastases to regional lymph nodes.*

13.30 *Vulva—carcinoma, with distant metastases.*

Part B

Medical criteria for the evaluation of impairments of children under age 18 (where criteria in Part A do not give appropriate consideration to the particular disease process in childhood).

Sec.

100.00 Growth Impairment.

Sec.

101.00 Musculoskeletal System.

102.00 Special Senses and Speech.

103.00 Respiratory System.

104.00 Cardiovascular System.

105.00 Disgestive System.

106.00 Genito-Urinary System.

107.00 Hemic and Lymphatic System.

109.00 Endocrine System.

110.00 Multiply Body System.

111.00 Neurological.

112.00 Mental and Emotional Disorders.

113.00 Neoplastic Diseases—Malignant.

100.00 Growth impairment

A. *Impairment of growth* may be disabling in itself or it may be an indicator of the severity of the impairment due to a specific disease process.

Determinations of growth impairment should be based upon the comparison of current height with at least three previous determinations, including length at birth, if available. Heights (or lengths) should be plotted on a standard growth chart, such as derived from the National Center for Health Statistics: NCHS Growth Charts. Height should be measured without shoes. Body weight corresponding to the ages represented by the heights should be furnished. The adult heights of the child's natural parents and the heights and ages of siblings should also be furnished. This will provide a basis upon which to identify those children whose short stature represents a familiar characteristic rather than a result of disease. This is particularly true for adjudication under 100.02B.

B. *Bone age determinations* should include a full descriptive report of roentgenograms specifically obtained to determine bone age and must cite the standardization method used. Where roentgenograms must be obtained currently as a basis for adjudication under 100.03, views of the left hand and wrist should be ordered. In addition, roentgenograms of the knee and ankle should be obtained when cessation of growth is being evaluated in an older child at, or past, puberty.

C. The criteria in this section are applicable until closure of the major epiphyses. The cessation of significant increase in height at that point would prevent the application of these criteria.

100.01 Category of impairments, growth

100.02 *Growth impairment,* considered to be related to an additional specific medically determinable impairment, and one of the following:

A. Fall of greater than 15 percentiles in height which is sustained; or

B. Fall to, or persistence of, height below the third percentile.

100.03 *Growth impairment,* not identified as being related to an additional, specific medically determinable impairment. With:

A. Fall of greater than 25 percentiles in height which is sustained; and

B. Bone age greater than two standard deviations (2 SD) below the mean for chronological age (see 100.00B).

101.00 Musculoskeletal system

A. *Rheumatoid arthritis.* Documentation of the diagnosis of juvenile rheumatoid arthritis should be made according to an established protocol, such as that published by the Arthritis Foundation, *Bulletin on the Rheumatic Diseases,* Vol. 23, 1972–1973 Series, p. 712. Inflammatory signs include persistent pain, tenderness, erythema, swelling, and increased local temperature of a joint.

B. *The measurements of joint motion* are based on the technique for measurements described in the "Joint Method of Measuring and Recording," published by the American Academy of Orthopedic Surgeons in 1965, or "The Extremities and Back" in *Guides to the Evaluation of Permanent Impairment,* Chicago, American Medical Association, 1971, Chapter 1, pp. 1–48.

C. *Degenerative arthritis* may be the end stage of many skeletal diseases and conditions, such as traumatic arthritis, collagen disorders, septic arthritis, congenital dislocation of the hip, aseptic necrosis of the hip, slipped capital femoral epiphyses, skeletal dysplasias, etc.

101.01 Category of impairments, musculoskeletal

101.02 *Juvenile rheumatoid arthritis.* With:

A. Persistence or recurrence of joint inflammation despite three months of medical treatment and one of the following:

1. Limitation of motion of two major joints of 50 percent or greater; or

2. Fixed deformity of two major weight-bearing joints of 30 degrees or more; or

3. Radiographic changes of joint narrowing, erosion, or subluxation; or

4. Persistent or recurrent systemic involvement such as iridocyclitis or pericarditis; or

B. Steroid dependence.

101.03 *Deficit of musculoskeletal function* due to deformity or musculoskeletal disease and one of the following:

A. Walking is markedly reduced in speed or distance despite orthotic or prosthetic devices; or

B. Ambulation is possible only with obligatory bilateral upper limb assistance (e.g., with walker, crutches); or

C. Inability to perform age-related personal self-care activities involving feeding, dressing, and personal hygiene.

101.05 *Disorders of the spine.*

A. Fracture of vertebra with cord involvement (substantiated by appropriate sensory and motor loss).

B. Scoliosis (congenital idiopathic or neuromyopathic). With:

1. Major spinal curve measuring 60 degrees or greater; or

2. Spinal fusion of six or more levels. Consider under a disability for one year from the time of surgery; thereafter evaluate the residual impairment; or

3. FEV (vital capacity) of 50 percent or less of predicted normal values for the individual's measured (actual) height.

C. Kyphosis or lordosis measuring 90 degrees or greater.

101.08 *Chronic osteomyelitis* with persistence or recurrence of inflammatory signs or drainage for at least 6 months despite prescribed therapy and consistent radiographic findings.

102.00 Special Senses and Speech

A. *Visual impairments in children.* Impairment of central visual acuity should be determined with use of the standard Snellen test chart. where this cannot be used, as in very young children, a complete description should be provided of the findings using other appropriate methods of examination, including a description of the techniques used for determining the central visual acuity for distance.

The accommodative reflex is generally not present in children under 6 months of age. In premature infants, it may not be present until 6 months plus the number of months the child is premature. Therefore absence of accommodative reflex will be considered as indicating a visual impairment only in children above this age (6 months).

Documentation of an ophtalmologic disorder must include description of the ocular pathology.

B. *Hearing impairments in children.* The criteria for hearing impairments in children take into account that a lesser impairment in hearing which occurs at an early age may result in a severe speech and language disorder.

Improvement by a hearing aid, as predicted by the testing procedure, must be demonstrated to be feasible in that child, since younger children may be unable to use a hearing aid effectively.

The type of audiometric testing performed must be described and a copy of the results must be included. The pure tone air conduction in 102.08 are based on American National Standard Institute Specifications for Audiometers, S3.6–1969 (ANSI–1969). The report should indicate the specifications used to calibrate the audiometer.

The finding of a severe impairment will be based on the average hearing levels at 500, 1000, 2000, and 3000 Hertz (Hz) in the better ear, and on speech discrimination, as specified in § 102.08.

102.01 Category of Impairments, Special Sense Organs

102.02 *Impairment of central visual acuity.*

A. Remaining vision in the better eye after best correction is 20/200 or less.

B. For children below 3 years of age at time of adjudication.

1. Absence of accommodative reflex (see 102.00A for exclusion of children under 6 months of age); or

2. Retrolental fibroplasia with macular scarring or neovascularization; or

3. Bilateral congenital cataracts with visualization of retinal red reflex only or when associated with other ocular pathology.

102.08 *Hearing impairments.*

A. For children below 5 years of age at time of adjudication, inability to hear air conduction thresholds at an average of 40 decibels (db) hearing level or greater in the better ear.

B. For children 5 years of age and above at time of adjudication.

1. Inability to hear air conduction thresholds at an average of 90 decibels (db) or greater in the better ear; or

2. Speech discrimination scores at 40 percent or less in the better ear; or

3. Inability to hear air conduction thresholds at an average of 40 decibels (db) or greater in the better ear, and a speech and language disorder which significantly affects the clarity and content of the speech and is attributable to the hearing impairment.

103.00 Respiratory System

A. *Documentation of pulmonary insufficiency.* The reports of spirometric studies for evaluation under Table I must be expressed in liters. The reported FEV_1 should represent the largest of at least three satisfactory attempts, and should be within 10 percent of another FEV_1. The appropriately labeled spirometric tracing of three FEV maneuvers must be submitted with the report, showing distance per second on the abscissa and distance per liter on the ordinate. The unit distance for volume on the tracing should be at least 15 mm. per liter and the paper speed at least 20 mm. per second. The height of the individual without shoes must be recorded.

The ventilatory function studies should not be performed during or soon after an acute episode or exacerbation of a respiratory illness. In the presence of acute bronchospasm, or where the FEV_1 is less than that stated in Table I, the studies should be repeated after the administration of a nebulized bronchodilator. If bronchodilator was not used in such instances, the reason should be stated in the report.

A statement should be made as to the child's ability to understand directions and the cooperate in performance of the test, and should include an evaluation of the child's effort. When tests cannot be performed or completed, the reason (such as a child's young age) should be stated in the report.

B. *Cystic fibrosis.* This section discusses only the pulmonary manifestations of cystic fibrosis. Other manifestations, complications, or associated disease must be evaluated under the appropriate section.

The diagnosis of cystic fibrosis will be based upon appropriate history, physical examination, and pertinent laboratory findings. Confirmation based upon elevated concentration of sodium or chloride in the sweat should be included, with indication of the technique used for collection and analysis.

103.01 Category of impairments, respiratory

103.03 *Bronchial asthma.* With evidence of progression of the disease despite therapy and documented by one of the following:

A. Recent, recurrent intense asthmatic attacks requiring parenteral medication; or

B. Persistent prolonged expiration with wheezing between acute attacks and radiographic findings of peribronchial disease.

103.13 *Pulmonary manifestations of cystic fibrosis.* With:

A. FEV_1 equal to or less than the values specified in Table I (see § 103.00A for requirements of ventilatory function testing); or

B. For children where ventilatory function testing cannot be performed:

1. History of dyspnea on mild exertion or chronic frequent productive cough; and

2. Persistent or recurrent abnormal breath sounds, bilateral rales or rhonic; and

3. Radiographic findings of extensive disease with hyperaeration and bilateral peribronchial infiltration.

TABLE I

Height (in centimeters)	FEV_1 equal to or less than (liters)
110 or less	0.6
120	0.7
130	0.9
140	1.1
150	1.3
160	1.5
170 or more	1.6

104.00 Cardiovascular System

A. *General.* Evaluation should be based upon history, physical findings, and appropriate laboratory data. Reported abnormalities should be consistent with the pathologic diagnosis. The actual electrocardiographic tracing, or an adequate marked photocopy, must be included. Reports of other pertinent studies necessary to substantiate the diagnosis or describe the severity of the impairment must also be included.

B. *Evaluation of cardiovascular impairments in children* requires two steps:

1. The delineation of a specific cardiovascular disturbance, either congential or acquired. This may include arterial or venous disease, rhythm disturbance, or disease involving the valves, septa, myocardium or pericardium; and

2. Documentation of the severity of the impairment, with medically determinable and consistent cardiovascular signs, symptoms, and laboratory data. In cases where impairment characteristics are questionably secondary to the cardiovascular disturbance, additional documentation of the severity of the impairment (e.g., catherization data, if performed) will be necessary.

C. *Chest roentgenogram* (6 ft. PA film) will be considered indicative of cardiomegaly if:

1. The cardiothoracic ratio is over 60 percent at age one year or less, or 55 percent at more than one year of age; or

2. The cardiac size is increased over 15 percent from any prior chest roentgenograms; or

3. Specific chamber or vessel enlargement is documented in accordance with established criteria.

D. *Tables I, II, and III* below are designed for case adjudication and not for diagnostic purposes. The adult criteria may be useful for older children and should be used when applicable.

E. *Rheumatic fever,* as used in this section assumes diagnoses made according to the revised Jones Criteria.

104.01 Category of impairments, cardiovascular

104.02 *Chronic congestive failure.* With two or more of the following signs:

A. Tachycardia (see Table I).

B. Tachypnea (see Table II).

C. Cardiomegaly on chest roentgenogram (see 104.00C).

D. Hepatomegaly (more than 2 cm. below the right costal margin in the right midclavicular line).

E. Evidence of pulmonary edema, such as rales or orthopnea.

F. Dependent edema.

G. Exercise intolerance manifested as labored respiration on mild exertion (e.g., in an infant, feeding).

TABLE I.–TACHYCARDIA AT REST

Age	Apical Heart (beats per minute)
Under 1 yr	150
1 through 3 yr	130
4 through 9 yr	120
10 through 15 yr	110
Over 15 yr	100

TABLE II.—TACHYPNEA AT REST

Age	Respiratory rate over (per minute)
Under 1 yr	40
1 through 5 yr	35
6 through 9 yr	30
Over 9 yr	25

104.30 *Hypertensive cardiovascular disease.* With persistently elevated blood pressure for age (see Table III) and one of the following:

A. Impaired renal function as described under the criteria in 106.02; or

B. Cerebrovascular damage as described under the criteria in 111.06; or

C. Congestive heart failure as described under the criteria in 104.2.

TABLE III.—ELEVATED BLOOD PRESSURE

Age	S (over) mm.	Diastolic (over) in mm.
Under 6 mo	95	60
6 mo. to 1 yr	110	70
1 through 8 yrs	115	80
9 through 11 yrs	120	80
12 through 15 yrs	130	80
Over 15 yrs	140	80

104.04 Cyanotic congenital heart disease.

With one of the following:

A. Surgery is limited to palliative measures; or

B. Characteristics squatting, hemoptysis, syncope, or hypercyanotic spells; or

C. Chronic hematocrit of 55 percent or greater or arterial O_2 saturation of less than 90 percent at rest, or arterial oxygen tension of less than 60 Torr at rest.

104.05 *Cardiac arrhythmia, such as persistent or recurrent heart block or A–V dissociation (with or without therapy).* And one of the following:

A. Cardiac syncope; or

B. Congestive heart failure as described under the criteria in 104.02; or

C. Exercise intolerance with labored respirations on mild exertion (e.g., in infants, feeding).

104.07 *Cardiac syncope* with at least one documented syncopal episode characteristic of specific cardiac disease (e.g., aortic stenosis).

104.08 *Recurrent hemoptysis.* Associated with either pulmonary hypertension or extensive bronchial collaterals due to documented chronic cardiovascular disease.

104.09 *Chronic rheumatic fever or rheumatic heart disease.* With:

A. Persistence of rheumatic fever activity for 6 months or more, with significant murmur(s), cardiomegaly (see 104.00C), and other abnormal laboratory findings (such as elevated sedimentation rate or electrocardiographic findings); or

B. Congestive heart failure as described under the criteria in 104.02.

105.00 Digestive System

A. *Disorders of the digestive system* which result in disability usually do so because of interference with nutrition and growth, multiple recurrent inflammatory lesions, or other complications of the disease. Such lesions or complications usually respond to treatment. To consutitute a listed impairment, these must be shown to have persisted or be expected to persist despite prescribed therapy for a continuous period of at least 12 months.

B. *Documentation of gastrointestional impairments* should include pertinent operative findings, radiographic studies, endoscopy, and biopsy reports. Where a liver biopsy has been performed in chronic liver disease, documentation should include the report of the biopsy.

C. *Growth retardation and malnutrition.* When the primary disorder of the digestive tract has been documented, evaluate resultant malnutrition uder the criteria described in 105.08. Evaluate resultant growth impairment under the criteria described in 100.03. Intestinal disorders, including surgical diversions and potentially correctable congential lesions, do not represent a severe impairment if the individual is able to maintain adequate nutrition growth and development.

D. *Multiple congenital anomalies.* See related criteria, and consider as a combination of impairments.

105.01 Category of impairments, disgestive

105.03 *Esophageal obstruction, caused by atresia, stricture, or stenosis* with malnutrition as described under the criteria in 105.08.

105.05 *Chronic liver disease.* With one of the following:

A. Inoperable billiary atresia demonstrated by X-ray or surgery; or

B. Intractable ascites not attributable to other causes, with serum albumin of 3.0 gm./100 ml. or less; or

C. Esophageal varices (demonstrated by angiography, barium swallow, or endoscopy or by prior performance of a specific shunt or plication procedure); or

D. Hepatic coma, documentated by findings from hospital records; or

E. Hepatic encephalopathy. Evaluate under the criteria in 112.02; or

F. Chronic active inflammation or necrosis documented by SGOT persistently more than 100 units or serum bilirubin of 2.5 mg. percent or greater.

105.07 *Chronic inflammatory bowel disease (such as ulcerative colitis, regional enteritis), as documented in 105.00.* With one fo the following:

A. Intestinal manifestations or complications, such as obstruction, abscess, or fistula formation which has lasted or is expected to last 12 months; or

B. Malnutition as described under the criteria in 105.08; or

C. Growth impairment as described under the criteria in 100.03.

105.08 *Malnutrition, due to demonstrable gastrointestinal disease causing either a fall of 15 percentiles of weight which persists or the persistence of weight which is less than the third percentile (on standard growth charts).* And one of the following:

A. Stool fat excretion per 24 hours:

1. More than 15 percent in infants less than 6 months.

2. More than 10 percent in infants 6–18 months.

3. More than 6 percent in children more than 18 months; or

B. Persistent hematocrit of 30 percent or less despite prescribed therapy; or

C. Serum carotene of 40 mcg./100 ml. or less; or

D. Serum albumin of 3.0 gm./100 ml. or less.

106.000 Genito-Urinary System

A. *Determination of the presence of chronic renal disease* will be based upon the following factors:

1. History, physical examination, and laboratory evidence of renal disease.

2. Indications of its progressive nature or laboratory evidence of deterioration of renal function.

B. *Renal transplant.* The amount of function restored and the time required to effect improvement depend upon various factors including adequacy of post-transplant renal function, incidence of renal infection, occurrence of rejection crisis, presence of systemic complications (anemia, neuropathy, etc.) and side effects of corticosteroid or immuno-suppressive agents. A period of at least 12 months is required for the individual to reach a point of stable medical improvement.

C. Evaluate associated disorders and complications according to the appropriate body system listing.

106.01 Category of impairments, genito-urinary

106.02 *Chronic renal disease.* With:

A. Persistent elevation of serum creatinine to 4 mg. per deciliter (100 ml.) or greater over at least 3 months; or

B. Reduction of creatinine clearance to 20 ml. per minute (29 liters/24 hours) per 1.73 m2 of body surface area over at least 3 months; or

C. Chronic renal dialysis program for irreversible renal failure; or

D. Renal transplant. Consider under a disability for 12 months following surgery; thereafter, evaluate the residual impairment (see 106.00B).

106.06 Nephrotic syndrome, with edema not controlled by prescribed therapy. And:

A. Serum albumin less than 2 gm./100 ml.; or

B. Proteinuria more than 2.5 gm./1.73m²/day.

107.00 Hemic and Lymphatic System

A. *Sickle cell disease* refers to a chronic hemolytic anemia associated with sickle cell hemoglobin, either homozygous or in combination with thalassemia or with another abnormal hemoglobin (such as C or F).

Appropriate hematologic evidence for sickle cell disease, such as hemoglobin electrophoresis must be included. Vaso-occlusive, hemolytic, or aplastic episodes should be documented by description of severity, frequency, and duration.

Disability due to sickle cell disease may be solely the result of a severe, persistent anemia or may be due to the combination of chronic progressive or episodic manifestations in the presence of a less severe anemia.

Major visceral episodes causing disability include meningitis, osteomyeltis, pulmonary infestions or infarctions, cerebrovascular accidents, congestive heart failure, genitourinary involvement, etc.

B. *Coagulation defects.* Chronic inherited coagulation disorders must be documented by appropriate laboratory evidence such as abnormal thromboplastin generation, coagulation time, or factor assay.

C. *Acute leukemia.* Initial diagnosis of acute leukemia must be based upon definitive bone marrow pathologic evidence. Recurrent disease may be documented by peripheral blood, bone marrow, or cerebrospinal fluid examination. The pathology report must be included.

The designated duration of disability implicit in the finding of a listed impairment is contained in 107.11. Following the designated time period, a documented diagnosis itself is no longer sufficient to establish a severe impairment. The severity of any remaining impairment must be evaluated on the basis of the medical evidence.

107.01 Category of impairments, hemic and lymphatic

107.03 *Hemolytic anemia (due to any cause).* Manifested by persistence of hematocrit of 26 percent or less despite prescribed therapy, and reticulocyte count of 4 percent or greater.

107.05 *Sickle cell disease.* With:

A. Recent, recurrent, severe vaso-occlusive crises (musculoskeletal, vertebral, abdominal); or

B. A major visceral complication in the 12 months prior to application; or

C. A hyperhemolytic or aplastic crisis within 12 months prior to application; or

D. Chronic, severe anemia with persistence of hematocrit of 26 percent or less; or

E. Congestive heart failure, cerebrovascular damage, or emotional disorder as described under the criteria in 104.02, 111.00ff, or 112.00ff.

107.06 *Chronic idiopathic thrombocytopenic purpura of childhood* with purpura and thrombocytopenia of 40,000 platelets/cu. mm. or less despite prescribed therapy or recurrent upon withdrawal of treatment.

107.08 *Inherited coagualtion disorder.* With:

A. Repeated spontaneous or inappropriate bleeding; or

B. Hemarthrosis with joint deformity.

107.11 *Acute leukemia.* Consider under a disability:

A. For 2½ years from the time of initial diagnosis; or

B. For 2½ years from the time of recurrence of active disease.

109.00 Endocrine System

A. *Cause of disability.* Disability is caused by a disturbance in the regulation of the secretion or metabolism of one or more hormones which are not adequately controlled by therapy. Such disturbances or abnormalities usually respond to treatment. To constitute a listed impairment these must be shown to have persisted or be expected to persist despite prescribed therapy for a continuous period of at least 12 months.

B. *Growth.* Normal growth is usually a sensitive indicator of health as well as of adequate therapy in children. Impairment of growth may be disabling in itself or may be an indicator of a severe disorder involving the endocrine system or other body systems. Where involvement of other organ systems has occurred as a result of a primary endocrine disorder, these impairments should be evaluated according to the criteria under the appropriate sections.

C. *Documentation.* Description of characteristic history, physical findings, and diagnostic laboratory data must be included. Results of laboratory tests will be considered abnormal if outside the normal range or greater than two standard deviations from the mean of the testing laboratory. Reports in the file should contain the information provided by the testing laboratory as to their normal values for that test.

D. *Hyperfunction of the adrenal cortex.* Evidence of growth retardation must be documented as described 100.00. Elevated blood or urinary free cortisol levels are not acceptable in lieu of urinary 17-hydroxycorticosteroid excretion for the diagnosis of adrenal cortical hyperfunction.

E. *Adrenal cortical insufficiency.* Documentation must include persistent low plasma cortisol or low urinary 17-hydroxycorticosteroids or 17-ketogenic steroids and evidence of unresponsiveness to ACTH stimulation.

109.01 Category of impairments, endrocrine

109.02 *Thyroid Disorders.*

A. Hyperthyroidism (as documented in 109.00C). With clinical manifestations despite prescribed therapy, and one of the following:

1. Elevated serum thyroxine (T_4) and either elevated free T^4 or resin T_3 uptake; or

2. Elevated thyroid uptake of radioiodine; or

3. Elevated serum triiodothyronine (T_3).

B. *Hypothyroidism.* With one of the following, despite prescribed therapy:

1. IQ of 69 or less; or

2. Growth impairment as described under the criteria in 100.02 A and B; or

3. Precocious puberty.

109.03 *Hyperparathyroidism (as documented in 109.00C).* With:

A. Repeated elevated total or ionized serum; or

B. Elevated serum parathyroid hormone.

109.04 *Hypoparathyroidism or Pseudohypoparathyroidism.* With:

A. Severe recurrent tetany or convulsions which are unresponsive to prescribed therapy; or

B. Growth retardation as described under the criteria in 100.02 A and B.

109.05 *Diabetes insipidus, documented by pathologic hypertonic saline or water deprivation test.* And one of the following:

A. Intracranial space-occupying lesion, before or after surgery; or

B. Unresponsiveness to Pitressin; or

C. Growth retardation as described under the criteria in 100.02 A and B; or

D. Unresponsive hypothalmic thirst center, with chronic or recurrent hypernatremia; or

E. Decreased visual fields attributable to a pituitary lesion.

109.06 *Hyperfunction of the adrenal cortex (Primary or secondary).* With:

A. Elevated urinary 17-hyroxycortico steroids (or 17-ketogenic steroids) as documented in 109.00 C and D; and

B. Unresponsiveness to low-dose dexamethasone suppression.

109.07 *Adrenal cortical insufficiency (as documented in 109.00 C and E)* with recent, recurrent episodes of circulatory collapse.

109.08 *Juvenile diabetes mellitus (as documented in 109.00C) requiring parenteral insulin.* And one of the following, despite prescribed therapy:

A. Recent, recurrent hospitalizations with acidosis; or

B. Recent, recurrent episodes of hypoglycemia; or

C. Growth retardation as described under the criteria in 100.02 A or B; or

D. Impaired renal function as described under the criteria in 106.00ff.

109.09 *Iatrogenic hypercorticoid state.* With chronic glucocorticoid therapy resulting in one of the following:

A. Osteoporosis; or

B. Growth retardation as described under the criteria in 100.02 A or B; or

C. Diabetes mellitus as described under the criteria in 109.08; or

D. Myopathy as described under the criteria in 111.06; or

E. Emotional disorder as described under the criteria in 112.00ff.

109.10 *Pituitary dwarfism (with documented growth hormone deficiency).* And growth impairment as described under the criteria in 100.2B.

109.11 *Adrenogenital syndrome.* With:

A. Recent, recurrent self-losing episodes despite prescribed therapy; or

B. Inadequate replacement therapy manifested by accelerated bone age and virilization, or

C. Growth impairment as described under the criteria in 100.2 A or B.

109.12 *Hypoglycemia (as documented in 109.00C).* Wth recent, recurrent hypoglycemic episodes producing convulsion or coma.

109.13 *Gonadal Dysgenesis (Turner's Syndrome), chromosomally proven.* Evaluate

the resulting impairment under the criteria for the appropriate body system.

110.00 Multiple Body Systems

A. *Catastrophic congenital abnormalities or disease.* This section refers only to very serious congenital disorders, diagnosed in the newborn or infant child.

B. *Immune deficiency diseases.* Documentation of immune deficiency disease must be submitted, and may include quantitative immunoglobulins, skin tests for delayed hypersensitivity, lymphocyte stimulative tests, and measurements of cellular immunity mediators.

110.01 Category of impairments, multiple body systems

110.08 *Catastrophic congenital abnormalities or disease.* With:

A. A positive diagnosis (such as anencephaly, trisomy D or E, cyclopia, etc.), generally regarded as being incompatible with extrauterine life; or

B. A positive diagnosis (such as cri du chat, Tay-Sachs Disease) wherein attainment of the growth and development level of 2 years in not expected to occur.

110.09 *Immune deficiency disease.*

A. *Hypogammaglobulinemia or dysgammaglobulinemia.* With:

1. Recent, recurrent severe infections; or

2. A complication such as growth retardation, chronic lung disease, collagen disorder, or tumors.

E. *Thymic dysplastic syndromes* (such as Swiss, diGeorge).

111.00 Neurological

A. *Seizure disorder* must be substantiated by at least one detailed description of a typical seizure. Report of recent documentation should include an electroencephalogram and neurological examination. Sleep EEG is preferable, especially with temporal lobe seizures. Frequency of attacks and any associated phenomena should also be substantiated.

Young children may have convulsions in association with febrile illnesses. Proper use of 111.02 and 111.03 requires that a seizure disorder be established. Although this does not exclude consideration of seizures occurring during febrile illnesses, it does require documentation of seizures during nonfebrile periods.

There is an expected delay in control of seizures when treatment is started, particularly when changes in the treatment regimen are necessary. Therefore, a seizure disorder should not be considered to meet the requirements of 111.02 of 111.03 unless it is shown that seizures have persisted more than three months after prescribed therapy began.

B. *Minor motor seizures.* Classical petit mal seizures must be documented by characteristic EEG pattern, plus information as to age at onset and frequency of clinical seizures. Myoclonic seizures, whether of the typical infantile or Lennox-Gastaut variety after infancy, must also be documented by the characteristic EEG pattern plus information as to age at onset and frequency of seizures.

C. *Motor dysfunction.* As described in 111.06, motor dysfunction may be due to any neurological disorder. It may be due to static or progressive conditions involving any area of the nervous system and producing any type of neurological impairment. This may include weakness, spasticity lack of coordination, ataxia, tremor, athetosis, or sensory loss. Documentation of motor dysfunction must include neurologic findings and description of type of neurologic abnormality (e.g., spasticity, weakness), as well as a description of the child's functional impairment (i.e., what the child is unable to do because of the abnormality). Where a diagnosis has been made, evidence should be included for substantiation of the diagnosis (e.g., blood chemistries and muscle biopsy reports), wherever applicable.

D. *Impairment of communication.* The documentation should include a description of a recent comprehensive evaluation, including all areas of affective and effective communication, performed by a qualified professional.

111.01 Category of impairment, neurological

111.02 *Major motor seizure disorder.*

A. *Major motor seizures.* In a child with an established seizure disorder, the occurrence of more than one major motor seizure per month despite at least three months of prescribed treatment. With:

1. Diurnal episodes (loss of consciousness and convulsive seizures); or

2. Nocturnal episodes manifesting residuals which interfere with activity during the day.

B. *Major motor seizures.* In a child with an established seizure disorder, the occurrence of at least one major motor seizure in the year prior to application despite at least three months of prescribed treatment. And one of the following:

1. IQ of 69 or less; or

2. Significant interference with communication due to speech, hearing, or visual defect; or

3. Significant emotional disorder; or

4. Where significant adverse effects of medication interfere with major daily activities.

111.03 *Minor motor seizure disorder.* In a child with an established seizure disorder, the occurrence of more than one minor motor seizure per week, with alteration of awareness or loss of consciousness, despite at least three months of prescribed treatment.

111.05 *Brain tumors.* A. Malignant gliomas (astrocytoma—Grades III and IV, glioblastoma multiforme), medulloblastoma, ependymoblastoma, primary sarcoma, or brain stem gliomas; or

B. Evaluate other brain tumors under the criteria for the resulting neurological impairment.

111.06 *Motor dysfunction (due to any neurological disorder).* Persistent disorganization or deficit of motor function for age involving two extremities, which (despite prescribed therapy) interferes with age-appropriate major daily activities and results in disruption of:

A. Fine and gross movements; or

B. Gait and station.

111.07 *Cerebral palsy.* With: A. Motor dysfunction meeting the requirements of 111.06 or 111.03; or

B. Less severe motor dysfunction (but more than slight) and one of the following:

1. IQ of 69 or less; or

2. Seizure disorder, with at least one major motor seizure in the year prior to application; or

3. Significant interference with communication due to speech, hearing, or visual defect; or

4. Significant emotional disorder.

111.08 *Meningomyelocele (and related disorders).* With one of the following despite prescribed treatment:

A. Motor dysfunction meeting the requirements of § 111.03 or § 111.06; or

B. Less severe motor dysfunction (but more than slight), and:

1. Urinary or fecal incontinence when inappropriate for age; or

2. IQ of 69 or less; or

C. Four extremity involvement; or

D. Noncompensated hydrocephalus producing interference with mental or motor developmental progression.

111.09 *Communication impairment, associated with documented neurological disorder.* And one of the following:

A. Documented speech deficit which significantly affects the clarity and content of the speech; or

B. Documented comprehension deficit resulting in effective verbal communication for age; or

C. Impairment of hearing as described under the criteria in 102.08.

112.00 Mental and Emotional Disorders

A. *Introduction.* This section is intended primarily to describe mental and emotional disorders of young children. The criteria describing medically determinable impairments in adults should be used where they clearly appear to be more appropriate.

B. *Mental retardation. General.* As with any other impairment, the necessary evidence consists of symptoms, signs, and laboratory findings which provide medically demonstrable evidence of impairment severity. Standardized intelligence test results are essential to the adjudication of all cases of mental retardation that are not clearly covered under the provisions of 1120.5A. Developmental milestone criteria may be the sole basis for adjudication only in cases where the child's young age and/or condition preclude formal standardized testing by a psychologist or psychiatrist experienced in testing children.

Measures of intellectucal functioning. Standardized intelligence tests, such as the Wechsler Preschool and Primary Scale of Intelligence (WPPSI), the Wechsler Intelligence Scale for Children—Revised (WISC–R), the Revised Stanford-Binet Scale, and the McCarthey Scales of Children's Abilities, should be used wherever possible. Key data such as subtest scores should also be included in the report. Tests should be administered by a qualified and experienced psychologist or psychiatrist, and any discrepancies between formal tests results and the child's customary behavior and daily activities should be duly noted and resolved.

Developmental milestone criteria. In the event that a child's young age and/or condition preclude formal testing by a psychologist or psychiatrist experienced in

testing children a comprehensive evaluation covering the full range of developmental activities should be performed. This should consist of a detailed account of the child's daily activities together with direct observations by a professional person; the latter should include indices or manifestations of social, intellectual, adaptive, verbal, motor (posture, locomotion, manipulation), language, emotional, and self-care development for age. The above should then be related by the evaluating or treating physican to established developmental norms of the kind found in any widely used standard pediatrics text.

c. *Profound combined mental-neurological-musculoskeletal impairments.* There are children with profound and irreversible brain damage resulting in total incapacitation. Such children may meet criteria in either neurological, musculoskeletal, and/or mental sections; they should be adjudicated under the criteria most completely substantiated by the medical evidence submitted. Frequently, the most appropriate criteria will be found under the mental impairment section.

112.01 Category of impairments, mental and emotional

112.02 *Chronic brain syndrome.* With arrest of developmental progression for at least six months or loss of previously acquired abilities.

112.03 *Psychosis of infancy and childhood.* Documented by psychiatric evaluation and supported, if necessary, by the results of appropriate standardized psychological tests and manifested by marked restriction in the performance of daily age-appropriate activites; constriction of age-appropriate interests; deficiency of age-appropriate self-care skills; and impaired ability to relate to others; together with persistence of one (or more) of the following:

A. Significant withdrawal or detachment; or

B. Impaired sense of reality; or

C. Bizarre behavior patterns; or

D. Strong need for maintenance of sameness, with intense anxiety, fear, or anger when change is introduced; or

E. Panic at threat of separation from parent.

112.04 *Functional nonpsychotic disorders.* Documented by psychiatric evaluation and supported, if necessary, by the results of appropriate standardized psychological tests and manifested by marked restriction in the performance of daily age-appropriate activities; constriction of age-appropriate interests; deficiency of age-appropriate self-care skills; and impaired ability to relate to others; together with persistence of one (or more) of the following:

A. Psychophysiological disorder (e.g., diarrhea, asthma); or

B. Anxiety; or

C. Depression; or

D. Phobic, obsessive, or compulsive behavior; or

E. Hypchondriasis; or

F. Hysteria; or

G. A social or antisocial behavior.

112.05 *Mental retardation.*—A. Achievement of only those developmental milestones generally acquired by children no more than one-half the child's chronological age; or

B. IQ of 59 or less; or

C. IQ of 60–69, inclusive, and a physical or other mental impairment imposing additional and significant restriction of function or developmental progession.

113.00 Neoplastic Diseases Malignant

A. *Introduction.* Determination of disability in the growing and developing child with a malignant neoplastic disease is based upon the combined effects of:

1. The pathophysiology, histology, and natural history of the tumor; and

2. The effects of the currently employed aggressive multimodal therapeutic regimens.

Combinations of surgery, radiation, and chemotherapy or prolonged therapeutic schedules impart significant additional morbidity to the child during the period of greatest risk from the tumor itself. This period of highest risk and greatest therapeutically-induced morbidity defines the limits of disability for most of childhood neoplastic disease.

B. *Documentation.* The diagnosis of heoplasm should be established on the basis of symptoms, signs, and laboratory findings. The site of the primary, recurrent, and metastatic lesion must be specified in all cases of malignant neoplastic diseases. If an operative procedure has been performed, the evidence should include a copy of the operative note and the report of the gross and microscopic examination of the surgical specimen, along with all pertinent laboratory and X-ray reports. The evidence should also include a recent report directed especially at describing whether there is evidence of local or regional recurrence, soft part of skeletal metastasis, and significant post-therapeutic residuals.

C. *Malignant solid tumors,* as listed under 113.03, include the histiocytosis syndromes except for solitary eosinophilic granuloma. Thus, 113.03 should not be used for evaluating brain tumors (see 111.05) or thyroid tumors, which must be evaluated on the basis of whether they are controlled by prescribed therapy.

D. *Duration of disability* from malignant neoplastic tumors is included in 113.02 and 113.03. Following the time periods designated in these sections, a documented diagnosis itself is no longer sufficient to establish a severe impairment. The severity of a remaining impairment must be evaluated on the basis of the medical evidence.

113.01 Category of Impairments, Neoplastic Diseases—Malignant

1130.02 *Lymphoreticular malignant neoplasms.*

A. Hodgkin's disease with progressive disease not controlled by prescribed therapy; or

B. Non-Hodgkin's lymphoma. Consider under a disability:

1. For 2½ years from time of initial diagnosis; or

2. For 2½ years from time of recurrence of active disease.

113.03 *Malignant solid tumors.* Consider under a disability.

A. For 2 years from the time of initial diagnosis; or

B. For 2 years from the time of recurrence of active disease.

113.04 *Neuroblastoma.* With one of the following:

A. Extension across the midline; or

B. Distant metastasis; or

C. Recurrence; or

D. Onset at age 1 year or older.

113.05 *Retinoblastoma.* With one of the following:

A. Bilateral involvement; or

B. Metastases; or

C. Extension beyond the orbit; or

D. Recurrence.

[FR Doc. 82-12222 Filed 5-5-82; 8:45 am]

BILLING CODE 4190-11-M

federal register

Thursday
May 6, 1982

Part III

Department of the Interior

National Park Service

Indicative Inventory of Potential Future U.S. Nominations to the World Heritage List

DEPARTMENT OF THE INTERIOR

National Park Service

Indicative Inventory of Potential Future U.S. Nominations to the World Heritage List

AGENCY: National Park Service, Interior.

ACTION: Public notice.

SUMMARY: The Department of the Interior, through the National Park Service, has compiled the following indicative inventory of cultural and natural properties in the United States that, based on preliminary examination, appear to qualify for World Heritage status and that may be considered for nomination to the World Heritage Committee over the next ten years. The inventory has been prepared to satisfy a provision of the World Heritage Convention, and incorporates the comments received on the draft World Heritage inventory, which was earlier published in the **Federal Register** on September 1, 1981 (46 FR 43892). Inclusion of a property on this inventory does not confer World Heritage status on it, but merely indicates that a property may be further examined for possible nomination in the future. The inventory will be used as the basis for selecting future United States nominations, and provides a comparative framework within which the outstanding universal value of a property may be effectively judged. The Department of the Interior will transmit the indictative inventory of potential future World Heritage nominations, on behalf of the United States, to the World Heritage Committee in fulfillment of Article 11(1) of the Convention.

FOR FURTHER INFORMATION CONTACT: Mr. Robert A. Ritsch, Associate Director, Recreation Resources, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240, (202/243–4462).

SUPPLEMENTARY INFORMATION: The Convention Concerning the Protection of the World Cultural and Natural Heritage, now ratified by the U.S. and 62 other nations, has established a means through which natural and cultural properties of outstanding universal value to mankind may be recognized and protected. Sites are identified and nominated by participating nations for inclusion on the World Heritage List, which currently includes 112 properties. The 21-member nation World Heritage Committee judges the nominations against established criteria, which were most recently published in the **Federal Register** on January 8, 1982 (47 FR 1034) and appear as § 73.9 of the proposed World Heritage rules (46 FR 51561). The country nominating a site for inclusion on the World Heritage List assumes responsibility for taking appropriate legal, scientific, technical, administrative, and financial measures necessary for the protection, conservation, presentation, rehabilitation, and transmission to future generations of the property it nominates.

In the United States, the Secretary of the Interior is responsible for implementing provisions of the World Heritage List. The Secretary has delegated this responsibility to the Assistant Secretary for Fish and Wildlife and Parks. Recommendations on World Heritage policy, nominations, and related matters are made to the Department of the Interior by the Federal Interagency Panel for World Heritage, which includes representatives from the Office of the Assistant Secretary for Fish and Wildlife and Parks, the National Park Service, and the U.S. Fish and Wildlife Service within the Department of the Interior; the President's Council on Environmental Quality; the Smithsonian Institution; the Advisory Council on Historic Preservation; the National Oceanic and Atmospheric Administration; Department of Commerce; and the Department of State.

The Department of the Interior, through the National Park Service, is implementing its responsibilities under the World Heritage Convention in accordance with the statutory mandate of Title IV of the National Historic Preservation Act Amendments of 1980 (Pub. L. 96–515; 16 U.S.C. 470a–1, a–2). On January 13, 1981, the Department announced its interpretive guidelines for implementing the World Heritage Convention in accordance with this new legislative mandate (46 FR 3073). The Department has since issued proposed rules for implementing the World Heritage Convention (October 20, 1981; 46 FR 51557), and is currently in the process of preparing final rules.

In particular, the 1980 legislation specified several requirements which U.S. properties must satisfy in order to be considered for nomination for World Heritage status. Before a property may be nominated:

1. *It must have previously been determined to be nationally significant,* e.g., designated as a national natural landmark or national historic landmark by the Secretary of the Interior, or established by the Congress as an area of national significance;

2. *Its nomination must include evidence of such legal protections as may be necessary to ensure preservation of the property and its environment.* For properties owned or controlled by Federal, State, and/or local governments, such evidence includes reference to all legislative and administrative measures that would ensure satisfactory maintenance and preservation of the property in perpetuity. For properties owned or controlled by private organizations or individuals, such evidence includes a written covenant prohibiting in perpetuity any use which threatens or damages the property's universally significant values, the opinion of counsel on the legal status and enforceability of such a prohibition, and other measures or requirements which the Department may prescribe; and

3. *Its owner or manager must concur in writing to such nomination.*

Summary of Public Comment on the Draft Indicative Inventory

In total, the National Park Service received 43 comments on the draft indicative inventory of potential future U.S. World Heritage nominations. Responses were received from Federal and State agencies, Congressional and State elected representatives, private industry, conservation and preservation organizations, academic institutions, local governments, and individuals. All comments have been studied carefully and considered in the preparation of the final indicative inventory.

Out of the 43 responses, 19 discussed and/or expressed support for properties included on the draft inventory, and 23 suggested additional properties for the inventory, while 4 expressed some concern over the possible regulatory impact of having a property inscribed on the World Heritage List. One respondent requested an extension of comment period, which was granted. Three respondents were complimentary of the inventory effort, noting that it will provide direction for the U.S. nomination process. Twenty-four respondents dealt primarily with cultural properties, with eight emphasizing natural sites and five commenting on both cultural and natural properties.

(Totals may not add as one response may have dealt with more than one of the above categories.) All comments received on the draft World Heritage indicative inventory are on file with the International Affairs Branch, National Park Service, U.S. Department of the Interior, 1100 L Street NW., Room 3121, Washington, D.C. 20240, and are available for public inspection by appointment during normal business

hours (7:45 a.m.–4:15 p.m., Monday–Friday).

In response to the comments received and additional study and comparative evaluation, a number of changes have been made in the indicative inventory. For example, the theme for archeological properties has been renamed as "Prehistory and Living Communities" and is expanded into six categories that better illustrate 15,000 years of American prehistory and history. Several outstanding properties have been grouped under the heading of a single nomination proposal, thus reflecting the desire to consder the nomination of certain, closely related properties as components of an ensemble or theme.

Scholarly and scientific evaluation is the basis for selecting properties listed on the indicative inventory. The inventory, while not exhaustive, represents the pool from which future potential U.S. World Heritage nominations will be drawn. The 47 cultural and 34 natural properties on the final inventory include 37 cultural and 29 natural areas from the draft inventory, and 10 cultural and 5 natural areas not previously listed. Seven cultural properties listed on the draft inventory have not been included on the final inventory as preliminary comparative evaluation indicated that they did not appear to meet the criteria for World Heritage status. One property (the Aleutian Islands Unit of the Alaska Maritime National Wildlife Refuge) appears in the listing of both cultural and natural properties.

Indicative Inventory of Potential Future U.S. Nominatons to the World Heritage List

The indicative inventory which follows includes cultural and natural properties in the U.S. that, based on preliminary evaluation, appear to qualify for nomination to the World Heritage List and that may be considered for nomination during the next ten years. The inventory is indicative in nature, in that it indicates the types of properties that will be seriously considered for nomination, but does not represent a commitment to nominate any specific property at a specific point in time. This indicative inventory, which is not considered exhaustive, will enable both the U.S. and the World Heritage Committee to consider properties within a broad comparative context so that the claim of outstanding universal value for any property can be effectively evaluated. The indicative inventory strengthens U.S. participation in the Convention and provides direction for a rational, systematic nomination process.

At its fifth ordinary session in October 1981, the World Heritage Committee adopted a resolution which stated that state parties to the Convention should provide the following types of information in indicative inventories:

—The name of the property;
—The geographical location of the property;
—A brief description of the property; and
—A brief justification of the outstanding universal value of the property (criteria).

The Committee also recommended that natural properties be grouped by biogeographical provinces, and cultural properties be grouped by cultural periods or themes.

Accordingly, the cultural properties in the inventory are grouped by theme, e.g., prehistory and living communities, architecture, etc. The natural properties are grouped according to the physiographic province (Fenneman 1928) in which they occur, e.g., Rocky Mountains, Atlantic Coastal Plain, etc., and arranged alphabetically. The approximate latitude and longitude of each property's geographic center is given in parentheses. A brief description is provided for each property, along with the criteria which it appears to satisfy.

Each property included in the inventory may not ultimately constitute a separate nomination, but rather, significant portions of certain, closely related proprties may be nominated together to represent an important theme; i.e., rather than nominating individual examples of the erosional landforms of the Colorado Plateau, portions or all of Arches, Bryce Canyon, Canyonlands, Capitol Reef, and Zion National Parks, and other areas may ultimately be proposed as a single thematic nomination. Likewise, with respect to outstanding examples of modern U.S. architecture, buildings in Chicago, St. Louis, and Buffalo might be nominated within the context of a single proposal. The inventory does not include U.S. properties that have already been approved for inscription on the World Heritage List, or those which the U.S. has formally nominated for World Heritage status. The indicative inventory is subject to periodic review and revision, as future circumstances warrant.

I. Cultural Properties

Prehistory and Living Communities (formerly Archaeology)

Post-Contact Aboriginal

Taos Pueblo, New Mexico. (36°25′ N.; 105°40′ W.) A center of Indian culture since the 17th century, the pueblo of Taso, still active today, symbolizes Indian resistance to external rule. The mission of San Geronimo, one of the earliest in New Mexico, was built near Taos Pueblo in the early 17th century. *Criteria:* (v) An outstanding example of a traditional human settlement which is representative of a culture and which has become vulnerable under the impact of irreversible change.

Post-Contact Aboriginal/Developed Agriculture

Pecos National Monument, New Mexico. (35°35′ N.; 105°45′ W.) This site was occupied since before A.D. 900 up until the 19th century. The archaeological excavations of the area led to the development of a cultural sequence which in turn enabled the comparative dating of southwestern U.S. sites. This classification is the cornerstone of the understanding of Southwestern archaeology. In addition to the archaeology at Pecos, there are the foundations of a Spanish mission, the ruins of an 18th-century church, and numerous Pueblo Indian structural remains, including restored kivas. *Criteria:* (iii) Bears a unique testimony to a civilization which has disappeared.

Developed Agriculture

Moundville Site, Alabama. (33°0′ N.; 87°40′ W.) This is probably the site described by De Soto in his Mississippian expedition. This site demonstrates the Mesoamerican influence on the culture of the Southeast. It is a "ceremonial" site with over twenty extant mounds and burial areas. *Criteria:* (iii) Bears a unique testimony to a civilization which has disappeared.

Casa Grande National Monument, Arizona. (33°0′ N.; 111°30′ W.) Casa Grande is a four-story tower of packed earthen walls built over 600 years ago by the agricultural Indians of the Gila River Valley. The site also contains important Hohokam Indian remains dating from about 900 A.D. *Criteria:* (iii) Bears a unique testimony to a civilization which has disappeared.

Hohokam Pima National Monument, Arizona. (32°55′ N.; 111°30′ W.) Hohokam Pima is part of the site of Snaketown, which was continously inhabited by the Hohokam/Pima cultures for over 2,000 years. This site

contains essentially all phases of Hohokam cultural development from the earliest villages established around 400 B.C. up to A.D. 1450. Subsequently this same site was occupied by the Pima from the time of contact with the Spanish until around 1940. The Hohokam Pima site clearly demonstrates the Mesoamerican influence in the Southwestern U.S. The site is located on a Pima reservation. *Criteria:* (iii) Bears a unique testimony to a civilization which has disappeared.

Ocmulgee National Monument, Georgia. (32°50′ N.; 83°40′ W.) The large mounds and surrounding villages at Ocmulgee demonstrates the cultural evolution of the Indian mound-builder civilization in the southern U.S. *Criteria:* (iii) Bears an exception testimony to a civilization which has disappeared.

Poverty Point, Louisiana. (32°40′ N.; 91°25′ W.) An archaeological site that flourished from 1,000–600 B.C. It contains a geometric earthwork complex, consisting of 11.2 miles of raised terraces arranged in six concentric octagons, and Poverty Point Mound, a bird-shaped ceremonial structure. *Criteria:* (iii) Bears an exception testimony to a civilization which has disappeared.

Chaco Culture National Historical Park, New Mexico. (36°10′ N.; 108°0′ W.) This property bears testimony to the first five periods of the Chacoan variant and one period of the Mesa Verdean variant of the Pueblo civilization. Chaco Canyon is a large canyon which contains approximately 1100 ruins including 13 major Pueblo Indian villages. These villages consist of 3–5 story buildings which often contain over 1,000 rooms. The ceremonial complex consisting of the large villages is dated between A.D. 1,110 and 1,300 and clearly demonstrates the cultural links between the Mesoamerican cultures and the Pueblo Indians of the Southwestern U.S. *Criteria:* (ii) Exerted great influence, over a span of time and within a cultural area of the world, on developments in town-planning; and (iii) bears a unique testimony to a civilization which has disappeared.

Mound City Group National Monument, Ohio. (39°25′ N; 83°1′ W.) Twenty-three burial mounds of Hopewell Indians (200 B.C.–A.D. 500) have yielded vast quantities of artifacts that give insights into the ceremonial customs of the Hopewell people. *Criteria:* (iii) Bears a unique testimony to a civilization which has disappeared.

Archaic/Paleo–Indian

Cape Krusenstern Archaeological District, Alaska. (67°0′ N.; 164°0′ W.) Cape Krusenstern consists of a series of marine beach ridges (and nearby hills) which contain evidence of nearly every major cultural period in Arctic prehistory and history. This area is very near the probable route taken by man's first crossing into North America and is still inhabited today. Due to land subsidence along the coast a unique stratigraphy has formed which allows a complete dating sequence in an area where few dates are available. Each ridge represents approximately a 200-year time span for a total of approximately 8,000 years. *Criteria:* (iii) Bears a unique testimony to a civilization which has disappeared.

Ventana Cave, Arizona. (32°25′ N.; 112°15′ W.) Ventana Cave offers a unique history of the hunter/gatherer cultural development and continuity. This site has been occupied continuously from 200 B.C. until the present. Excavations here solidified the stratigraphi sequence dates, and made a significant contribution to knowledge of the development of Hohokam culture in this area. *Criteria:* (iii) Bears a unique testimony to a civilization which has disappeared.

Paleo-Indian

Lindenmeir Site, Colorado. (40°55′ N.; 105°10′ W.) This site was one of the earliest Folsom sites to be excavated by archaeologists and was instrumental in establishing man's presence in North America at its current early date. The site consists of a kill site marked by numerous bison bones and a camp a short distance away. This is one of the few early man sites where both site types were found, and it gives a more complete picture of the early hunters' life and cultural adaption. *Criteria:* (iii) Bears a unique testimony to a civilization which has disappeared.

Hawaiian

Pu'uhonua O Honaunau National Historical Park, Hawaii. (19°25′ N.; 155°55′ W.) This area (formerly known as City of Refuge National Historical Park) includes sacred ground, where vanquished Hawaiian warriors, noncommbatants, and kapu breakers were granted refuge from secular authority. Prehistoric housesites, royal fishponds, and spectacular shore scenery are features of the park. *Criteria:* (v) An outstanding example of a traditional human settlement which is representative of a culture and which has become vulnerable under the impact of irreversible change.

European Exploration and Colonial Settlement

La Fortaleza-San Juan National Historical Site, Puerto Rico. (18°28′ N.; 66°10′ W.) Spanish defenses at San Juan guarded their sea lanes to the Caribbean; at this site they founded one of their earliest colonies in the Americas. La Fortaleza, the first fortification of San Juan (built 1533–40), has been the residence of the island's governors since the 1620s. The massive masonry citadel of El Morro was begun in 1591. *Criteria:* (iv) An outstanding example of a type of structure which illustrates a significant stage in history; and (vi) directly and tangibly associated with events of outstanding universal significance.

San Xavier Del Bac, Arizona. (32°10′ N.; 111°0′ W.) One of the finest Spanish colonial churches in the United States, having a richly ornamented baroque interior. (Comparative national and international study will be necessary before the United States would consider nominating property representative of this important international development. For example, the California and Texas mission systems would be examined.) *Criteria:* (iv) An outstanding example of a type of structure which illustrates a significant stage in history.

Savannah Historic District, Georgia. The first settlement in the English colony of Georgia, which was founded with philanthropic intent, Savannah has retained much of James Oglethorpe's original city plan and possesses many structures of architectural merit. *Criteria:* (ii) Has exerted great influence, over a span of time, or within a cultural area of the world, on developments in town-planning; and (vi) directly and tangibly associated with events or with ideas of outstanding universal significance.

Architecture: Early United States

Monticello, Charlottesville, Virginia. (38°0′ N.; 78°30′ W.) Thomas Jefferson, the third American President, was a popularizer of the Classic Revival architectural style. In Monticello, his mansion, he combined elements of Roman, Palladian, and 18th-century French design with features expressing his extraordinary personal inventiveness. *Criteria:* (i) A unique artistic achievement, a masterpiece of the creative genius; and (ii) has exerted great influence, over a span of time and within a cultural area of the world, on developments in architecture.

University of Virginia Historic District, Charlottesville, Virginia. (38°0′ N.; 78°30′ W.) Includes original classrooms and professors' quarters housed in pavilions aligned on both sides of an elongated terraced court, as well as the domed Rotunda, a scaled-

down version of the Pantheon which was the focal point of Thomas Jefferson's design. Jefferson envisioned a community of scholars living and studying in an architecturally unified complex of buildings. *Criteria:* (i) A unique artistic achievement, a masterpiece of the creative genius; and (ii) has exerted great influence, over a span of time and within a cultural area of the world, on developments in architecture.

Architecture: Modern U.S.

Consideration will be given to the nomination of a "thematic" Chicago School district, including some of the properties listed in this grouping.

Auditorium Building, Chicago, Illinois. (41°52′ n.; 87°40′ W.) Constructed in 1889, this building is one of the most important works by Chicago School architects Dankmar Adler and Louis Sullivan. *Criteria:* (i) A unique artistic achievement, a masterpiece of creative genius; and (ii) has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

Carson, Pirie, Scott and Company Store, Chicago, Illinois. (41°52′ N.; 87°40′ W.) A commercial establishment designed by Louis Sullivan in an original and practical form, Carson, Pirie, Scott and Company was his last large commercial commission. An iron and steel framework supports the structure, which is most notable for its elaborate ironwork ornament on the first and second floor facades. Sullivan's designs combine organic and geometric shapes in intricate and delicate patterns, in a type of ornament that is the hallmark of his work. The addition was by Daniel H. Burnham in 1904–6. *Criteria:* (i) A unique artistic achievement, a masterpiece of creative genius; and (ii) has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

Leiter II Building, Chicago, Illinois. (41°52′ N.; 87°40′ W.) Constructed in 1889–91, this building is the masterwork of architect William Le Baron Jenny. One of the earliest surviving examples of the Chicago School curtain wall proto-skyscraper. *Criteria:* (ii) Has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

Marquette Building, Chicago, Illinois. (41°52′ N.; 87°40′ W.) Architects William Holabird and Martin Roche made their first decisive statement on a new concept in building—steel framing. Constructed 1893–4. *Criteria:* (ii) Has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

Reliance Building, Chicago, Illinois. (41°52′ N.; 87°40′ W.) This building (1890–5) by Daniel Burnham and John Root is a key monument of the "Chicago School." It has a steel framework and is covered with terra cotta sheathing except on the granite first floor. Windows form continuous bands and are "Chicago windows"—large single, fixed panes of glass which fill an entire bay except for narrow, movable, double hung sash in the projecting bays. *Criteria:* (ii) Has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

Rookery Building, Chicago, Illinois. (41°52′ N.; 87°40′ W.) One of the last great masonry strucutues of the 19th century, designed by Daniel Burnham and John W. Root. Constructed in 1886–88, The Rookery is a transitional structure which presaged the modern steel frame office building. It combines skeletal cast-iron columns and spandrel beams supporting masonry with granite and brick and terra cotta. *Criteria:* (ii) Has exerted great influence, over a span to time, and within a cultural area of the world, on developments in architecture.

South Dearborn Street-Printing House Row North Historic District, Chicago, Illinois. (41°52′ N.; 87°40′ W.) This commercial district contains landmark structures in the development of skyscraper construction and some of the finest achievements of the "Chicago School" of architects: The Manhattan Building by William Le Baron Jenny, the first complete steel skeleton building, with wind bracing; the Daniel Burnham-designed Fisher Building, an early curtain wall structure; the Old Colony Building by Holabird and Roche, using Corydon Purdy's wind bracing system; and the Monadnock Building, by Burnham and Root (north section) and Holabird and Roche (south section), one of the largest masonry bearing-wall structures ever built. *Criteria:* (ii) Has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

Prudential (Guaranty) Building, Buffalo, New York. (42°50′ N.; 78°50′ W.) The last collaborative effort of Dankmar Adler and Louis Sullivan, the 13-story Prudential, constructed in 1895, is a triumph of early skyscraper design. It links two skyscraper periods and departs from the earlier commercial use of elaborate ornamentation in favor of an emphatically vertical appearance. Although appearing rectangular in shape, it is actually U-shaped due to light corridors above the first floor. *Criteria:* (ii) Has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

Wainwright Building, St. Louis, Missouri. (38°40′ N.; 90°10′ W.) Significant prototype of the modern office building, constructed in 1890–91. This building represents a deliberate attempt to create an a historical form expressive of the new mass of the multistory office block. For Sullivan, the potential aesthetic quality of the tall building lay in its unusual height. To emphasize this height to the maximum degree, he devised a system of closely ranked, pierlike verticals that give the street elevations their forceful thrust. *Criteria:* (i) Represents a unique artistic achievement, a masterpiece of the creative genius; and (ii) has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

Architecture: Wright School

A single, or thematic, nomination representative of this group will be considered.

Frank Lloyd Wright Home and Studio, Illinois. (41°52′ N.; 87°50′ W.) Wright lived and practiced here, in the Shingle-style home he built for his family, during the "First Golden Age" of his long career. Constructed 1889–98. *Criteria:* (ii) Has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

Unity Temple, Oak Park, Illinois. (41°52′ N.; 87°50′ W.) Wright designed the Temple with a rooftop skylight, rather than a steeple. Constructed in 1906 of poured concrete, the Temple is basically a concrete cube with stark and largely unornamanted interior walls. *Criteria:* (ii) Has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

Robie House, Chicago, Illinois. (41°52′ N.; 87°40′ W.) This brick house, with its low horizontal emphasis, was designed by Wright in his "Prairie" style, utilizing an open plan focused on a large central chimney mass. He continued inside walls to the exterior to tie the surrounding landscape to the house. Constructed 1907–9. *Criteria:* (ii) Has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

Taliesin, Wisconsin. (43°10′ N.; 90°10′ W.) The second great center of Wright's activity, this combination of home, workshop, laboratory, and retreat consists of several groupings of structures designed individually to suit their different uses. It is the summer home and studio of the Taliesin

Fellowship. *Criteria:* (ii) Has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

Fallingwater, Pennsylvania. (39°55′ N.; 90°25′ W.) One of the most famous of Frank Lloyd Wright's designs, regarded by many as his masterwork. *Criteria:* (i) A unique artistic achievement, a masterpiece of the creative genuis.

Engineering

Brooklyn Bridge, New York. (40°42′ N.; 73°57′ W.) Built by John A. and Washington A. Roebling, the Brooklyn Bridge was one of the world's first wire cable suspension bridges. The technical, problems faced in its construction were solved by solutions that established precedents in bridge building. The cables themselves are supported by two massive Gothic pylons, each with two pointed arches. The main span is 1595 feet. *Criteria:* (iv) An outstanding example of a type of structure which illustrates a significant stage in history.

Eads Bridge, Illinois-St. Louis, Missouri. (38°40′ N.; 90°10′ W.) The first major bridge in the world in which steel was employed in the principal members. The secondary members and the tubes enveloping the steel staves forming the arch ribs are of wrought iron. *Criteria:* (iv) An outstanding example of a type of structure which illustrates a significant stage in history.

Washington Monument, District of Columbia. (38°52′ N.; 77°02′ W.) The hollow shaft, free of exterior decoration, is the tallest free-standing masonry structure in the world (555 feet). It commemorates the achievements of George Washington, first President of the United States. *Criteria:* (iv) An outstanding example of a type of structure which illustrates a significant stage in history.

Science and Industry

McCormick Farm and Workshop, Virginia. (37°40′ N.; 79°35′ W.) Of the inventions that revolutionized agriculture during the first half of the 19th century, the mechanical reaper (1834), was probably the most important. The well-preserved farmhouse and workshop of Cyrus McCormick, its inventor, are included within this property. *Criteria:* (vi) Directly and tangibly associated with events of outstanding universal significance.

Original Bell Telephone Laboratories, New York. (40°45′ N.; 74°0′ W.) From 1898 to 1967, America's largest industrial research laboratory, responsible for numerous contributions to pure science and pioneering work in telecommunications technology. *Criteria:* (vi) Directly and tangibly associated with events of outstanding universal significance.

General Electric Research Laboratory, Schenectady, New York. (42°50′ N.; 73°55′ W.) A three-building complex recognized as the first industrial research facility in the United States. Since its construction in 1900, work at the laboratory has made many contributions to scientific knowledge, especially in the areas of physics and chemistry. *Criteria:* (vi) Directly and tangibly associated with events of outstanding universal significance.

Goddard Rocket Launching Site, Massachusetts. (42°12′ N.; 71°50′ W.) At this site, on March 16, 1926, Dr. Robert H. Goddard launched the World's first liquid propellant rocket, an event that set the course for future developments in rocketry. *Criteria:* (vi) Directly and tangibly associated with events of outstanding universal significance.

Lowell Observatory, Arizona. (35°12′ N.; 111°40′ W.) Astronomical research conducted at this observatory, founded by Dr. Percival Lowell, has greatly enhanced man's knowledge of the universe. Most significant of the observatory's discoveries was the first observable evidence of the expanding universe, made by Dr. V.M. Slipher in 1912. The observatory is also noted for intensive studies of Mars, the discovery of Pluto, and research in zodiacal light and sunspot phenomena. The 24-inch Lowell refracting telescope, installed in 1896, is in operation in its original housing. *Criteria:* (vi) Directly and tangibly associated with events of outstanding universal significance.

Pupin Physics Laboratories, Columbia University, New York. (40°45′ N.; 73°58′ W.) Enrico Fermi conducted his initial experiments on the fission of uranium in these laboratories. In addition, the uranium atom was split here on January 25, 1939, 10 days after the world's first splitting in Copenhagen. The cyclotron control room contains the table which held the instruments used on that night. The United States would consider nominating this site only if the Copehagen location is no longer extant. *Criteria:* (vi) Directly and tangibly associated with an event of outstanding universal significance.

Trinity Site, New Mexico. (33°45′ N.; 106°25′ W.) The world's first nuclear device was exploded here in July 1945. *Criteria:* (vi) Directly and tangibly associated with an event of outstanding universal significance.

Humanitarian Endeavor and Social Reform

New Harmony Historic District, Indiana. (38°08′ N.; 87°55′ W.) Founded by the Rappite religious sect in 1815, New Harmony was purchased in 1825 by British visionary and socialist reformer Robert Owen, who sought to alleviate evils spawned by the factory system. Some 35 structures from the Rappite-Harmonist period survive. This property will be compared to Owenite remains in the United Kingdom and to other communal societies in the U.S. *Criteria:* (vi) Directly and tangibly associated with events of outstanding universal significance.

Chapel Hall, Gallaudet College, District of Columbia, District of Colombia. This large Gothic Revival structure (1867–70) is the earliest major building at the college, the only institution of higher learning specifically devoted to the education of the deaf. *Criteria:* (vi) Directly and tangibly associated with events or ideas of outstanding universal significance.

Warm Springs Historic District, Georgia. (32°50′ N.; 84°40′ W.) The National Foundation for Infantile Paralysis, which grew out of the Warm Springs Foundation established by Franklin D. Roosevelt, became one of the leading charitable institutions of the 20th century. Warm Springs Hospital was the major international center for the treatment of infantile paralysis (polio); the research that led to the development of the preventive vaccines had its roots here. *Criteria:* (vi) Directly and tangibly associated with events of outstanding universal significance.

International Affairs

Aleutian Islands Unit of the Alaska Maritime National Wildlife Refuge (Fur Seal Rookeries), Alaska. (57°30′ N.; 170° 30′ W.) Originally frequented by the native peoples of Alaska, these islands have lured Russian, British, French, Spanish, and American fur hunters since the 18th century. The seal herds have several times been threatened with extinction due to indiscriminate hunting, but a notable 1911 convention between the United States, the United Kingdom, Russia (USSR), and Japan has provided them with international protection and management. Today's flourishing herds illustrate the international application of conservation principles. *Criteria:* (vi) Directly and tangibly associated with events of outstanding universal significance.

Statute of Liberty National Monument, New Jersey-New York. (40°37′ N.; 74°03′ W.) French historian Edouard Laboulaye suggested the presentation of this statue to the United States, commemorating the alliance of France and the United States during the American Revolution. The copper colossus was designed by Frederic Auguste Bartholdi and erected

according to plans by Gustave Eiffel. The national monument also includes Ellis Island, the depot through which many millions of immigrants and emigrants passed. *Criteria:* (iv) An outstanding example of type of structure which illustrates a significant stage in history, and (vi) directly and tangibly associated with events of outstanding universal significance.

II. Natural Properties

Appalachian Ranges

Great Smoky Mountains National Park, Tennessee/North Carolina. (35°37′ N.; 83°27′ W.) This tract, which includes one of the oldest uplands on earth, has a diversity of lush vegetation associated with its varied topography, including spruce-fir, hemlock, deciduous, and mixed forests. The area has been designated a Biosphere Reserve. *Criteria:* (ii) An outstanding example of biological evolution, and (iii) contains superlative natural phenomena and areas of exceptional natural beauty.

Atlantic Coastal Plain

Okefenokee National Wildlife Refuge, Georgia/Florida. (30°48′ N.; 82°17′ W.) This tract includes a vast peat bog, interspersed with upland prairies, marshes, and open water. These diverse habitats are some for a wide range of uncommon, threatened, and endangered species, including the American alligator. *Criteria:* (ii) An outstanding example of biological evolution, and (iv) habitat of endangered animal species.

Virginia Coast Reserve, Virginia. (37°30′ N.; 75°40′ W.) The Virginia Coast Reserve is the most well-preserved extensive barrier island system remaining on the Atlantic Coast of North America. The system of barrier islands, saltmarshes, and lagoons demonstrate dune and beach migration and storm action on barrier islands, and include virtually all of the plant communities which once occurred along the Atlantic Coast. The area has been designated a Biosphere Reserve. *Criteria:* (ii) An outstanding example of significant geological processes and biological evolution, and (iii) contains superlative natural phenomena and formations.

Brooks Range

Arctic National Wildlife Refuge, Alaska. (69°0′ N.; 143°0′ W.) This area's varied topography, extending from the Brooks Range north to the Arctic Ocean, is habitat for a tremendous diversity of wildlife, including caribou, polar and grizzly bears, musk ox, Dall sheep, Arctic peregrine falcons, and golden eagles. It is a virtually undisturbed arctic landscape, with coastal plain, tundra, valley, and mountain components. *Criteria:* (ii) An outstanding example of biological evolution, and (iii) superlative natural phenomena and areas of exceptional natural beauty.

Gates of the Arctic National Park, Alaska. (67°30′ N.; 153°0′ W.) Gates of the Arctic includes a portion of the central Brooks Range and is characterized by jagged mountain peaks, gentle arctic valleys, wild rivers and numerous lakes. *Criteria:* (ii) An outstanding example of significant ongoing geological processes and biological evolution, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Cascade Range

Crater Lake National Park, Oregon. (42°55′ N.; 122°06′ W.) This unique, deep blue lake lies at the center of Mount Mazama, an ancient volcanic peak that collapsed centuries ago. The lake is bounded by multicolored lava walls extending 500 to 2000 feet above the lake's waters. *Criteria:* (ii) An outstanding example of significant geological processes, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Mount Rainier National Park, Washington. (46°52′ N.; 121°41′ W.) Mount Rainier National Park includes the greatest single-peak glacial system in the U.S., radiating from the summit and slopes of an ancient volcano. Dense forests and subalpine meadows here are characteristic of the Cascade Range. *Criteria:* (ii) An outstanding example of significant geological processes and biological evolution; and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

North Cascades National Park, Washington. (48°40′,N.; 121°15′ W.) The tall, jagged peaks of the North Cascades intercept moisture-laden winds off the Pacific Ocean, which produce glaciers, waterfalls, and ice falls in this wild alpine region where plant and animal communities thrive in mountain valleys. *Criteria:* (ii) An outstanding example of significant geological processes and biological evolution, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Chihuahuan Desert

Big Bend National Park, Texas. (29°15′ N.; 103°11′ W.) This area has many excellent examples of mountain systems and deep canyons formed by a major river. A variety of unusual geological formations are found here, with many vegetation types—dry coniferous forest, woodland, chaparral, and desert—associated with them. The area has been designated a Biosphere Reserve. *Criteria:* (ii) An outstanding example of significant geological processes and biological evolution, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Carlsbad Caverns National Park, New Mexico. (32°10′ N.; 104°40′ W.) This series of connected caverns, which include the largest underground chambers yet discovered, have many magnificent and curious cave formations, including an array of speleothems. *Criteria:* (ii) An outstanding example of significant geological processes, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Guadalupe Mountains National Park, Texas. (31°50′ N.; 104°50′ W.) Rising abruptly from the surrounding desert, the mountain mass constituting this national park contains portions of the world's most extensive and significant Permian limestone fossil reef. A tremendous earth fault and unusual flora and fauna are also found here. *Criteria:* (i) An outstanding example illustrating a major stage of the earth's evolutionary history, (ii) an outstanding example of significant geological processess, and (iii) contains superlative natural phenomena and formations.

Colorado Plateau

Arches National Park, Utah. (38°40′ N.; 109°30′ W.) Arches National Park contains many extraordinary products of erosional processes, including giant arches, windows, pinnacles and pedestals. *Criteria:* (ii) An outstanding example of significant geological processes, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Bryce Canyon National Park, Utah. (37°30′ N.; 112°10′ W.) Bryce Canyon includes innummerable highly colorful and bizarre pinnacles, walls and spires, perhaps the most colorful and unusual erosional forms in the world. *Criteria:* (ii) An outstanding example of significant geological processes, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Canyonlands National Park, Utah. (38°20′ N.; 109°50′ W.) this area's diverse geological features, which include arches, fins pillars, spires, and mesas, exemplify the array of erosional

patterns carved primarily by running water. *Criteria:* (ii) An outstanding example of signficant geological processes, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Capitol Reef National Park, Utah. (38°20′ N.; 111°10′ W.,) The 100-mile long Waterpocket Fold is one of the world's most graphic examples of a monoclinal folding of the earth's crust. A striking variety of features, including volcanic dikes and sills, arches and bridges, and monoliths and sinkholes, have been created or exposed by wide-scale erosion occurring over the past 270 million years. *Criteria:* (ii) An outstanding example of significant geological processes, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Colorado National Monument, Colorado. (39°0′ N.; 108°40′ W.) Sheer-walled canyons, towering monoliths, bizarre formations, and dinosaur fossils are contained within this national monument. *Criteria:* (ii) An outstanding example of significant geological processes, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Rainbow Bridge National Monument, Utah. (37°0′ N.; 111°0′ W.) Rainbow Bridge is the greatest of the world's known natural bridges, rising 290 feet above the floor of Bridge Canyon. *Criteria:* (ii) An outstanding example of significant geological processes, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Zion National Park, Utah. (37°20′ N. 113°0′ W.) Zion's colorful canyon and mesa vistas include erosion and rock-fault patterns that produce phenomenal shapes and landscapes. *Criteria:* (ii) An outstanding example of significant geological processes, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Hawaiian Islands

Hawaii Volcanoes National Park, Hawaii. (19°20′ N.; 155°20′ W.) This site contains outstanding examples of active and recent volcanism, along with luxuriant vegetational development at its lower elevations. The area has been designated a Biosphere Reserve. *Criteria:* (i) An outstanding example illustrating the earth's evolutionary history, (ii) an outstanding example of significant geological processes, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Mohave Desert

Death Valley National Monument, California/Nevada. (36°30′ N.; 117°0′ W.) This large desert area, which is nearly surrounded by high mountains, contains the lowest point in the Western Hemisphere. It is highly representative of Great Basin/Mohave Desert (mountain and desert) ecosystems. *Criteria:* (ii) An outstanding example of significant geological processes and biological evolution, and (iii) contains superlative natural phenomena.

Joshua Tree National Monument, California. (33°50′ N.; 116°0′ W.) This area, located at the junction of the Mohave and Sonoran Deserts, contains an unusually rich variety of desert plants, including extensive stands of Joshua trees, set amongst striking granitic formations. *Criteria:* (ii) An outstanding example of biological evolution, and (iii) contains superlative natural phenomena and formations.

New England-Adirondacks

Acadia National Park, Maine. (44°20′ N.; 68°20′ W.) Acadia, situated on a rocky archipelago along the Maine coast, is an area of diverse geological features, dramatic topography (including the highest headlands along the entire Atlantic coast), and outstanding scenic beauty. *Criteria:* (ii) An outstanding example of significant geological processes, and (iii) contains superlative natural phenomena, formations, and areas of exceptional beauty.

North Pacific Border

Point Reyes National Seashore/ Farallon Islands National Wildlife Refuge, California. (38°0′ N.; 123°0′ W.) This proposal includes properties within the Point Reyes/Farallon Islands National Marine Sanctuary. The Point Reyes Peninsula, an unique living example of tectonic and seismic activity, has moved more than 300 miles in the past 80 million years. A complex active rift zone, including the famed San Andreas Fault, occurs where the Peninsula meets the California mainland. The area is characterized by a diverse set of habitats, striking scenery, and a large variety of terrrestrial and aquatic animal species. The Farallon Islands support the largest seabird rookeries in the contiguous United States, including species such as the ashy storm petrel, western gull, Brandt's cormorant, black oystercatcher, and Cassin's auklet. *Criteria:* (ii) An outstanding example of significant geological processes and bioligcal evolution, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Pacific Mountain System

Aleutian Islands Unit of the Alaska Maritime National Wildlife Refuge, Alaska. (54°40′ N.; 164°10′ W.) The Aleutians represent a mixture of flora and fauna found in both the North American and Asian continents, and serves as a resting place for migratory species. The area has been designated a Biosphere Reserve. *Criteria:* (ii) An outstanding example of biological evolution.

Denali National Park, Alaska. (63°20′ N.; 150°40′ W.) This tract embodies a unique and spectacular combination of geologic features, including active glaciers, major earthquake faults, and Mt. McKinley, the highest mountain peak in North America. It also includes outstanding examples of tundra and boreal forest ecosystems. The area has been designated a Biosphere Reserve. *Criteria:* (ii) An outstanding example of significant geological processes and biological evolution, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Glacier Bay National Park, Alaska. (58°30′ N; 136°30′ W) Great tidewater glaciers, a dramatic range of plant communities from rocky terrain recently covered by ice to lush temperature rainforest, and a large variety of animals, including brown and black bear, mountain goats, whales, seals and eagles, can be found in this Park. *Criteria:* (ii) an outstanding example of significant ongoing geological processes and biological evolution, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Katmai National Park, Alaska. (58°30′ N.; 155°20′ W.) This area's interior wilderness includes the Valley of 10,000 Smokes, the result of the 1917 volcanic eruption of Mt. Katmai. The eruption produced countless fumaroles, a few of which are still active. *Criteria:* (ii) an outstanding example of significant geological processes, and (iii) contains superlative natural phenomena and formations.

Rocky Mountains

(Includes northern, middle, and southern Rocky Mountain natural regions.)

Glacier National Park, Montana. (48°40′ N.; 113°50′ W.) With mountain peaks exceeding 10,000 feet, this site includes nearly 50 glaciers, many lakes and streams, and a wide variety of wild flowers and wildlife, including bighorn sheep, bald eagles and grizzly bears. The area has been designated a

Biosphere Reserve. *Criteria:* (ii) An outstanding example of significant geological processes, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Grand Teton National Park, Wyoming. (43°40′ N.; 110°40′ W.) Containing the most impressive portion of the Teton Range in the Rocky Mountains, this series of peaks rise more than a mile above surrounding sagebrush plains. The park includes the winter feeding ground of the largest American elk herd. *Criteria:* (ii) An outstanding example of significant geological processes and biological evolution, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Rocky Mountain National Park, Colorado. (40°20′ N.; 105°40′ W.) Within this 412-square mile national park, peaks towering over 14,000 feet shadow wildlife and wildflowers that are characteristic of the Front Range of the Rocky Mountains. The area has been designated a Biosphere Reserve. *Criteria:* (ii) An outstanding example of significant geological processes and biological evolution, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Sierra Nevada

Sequoia/Kings Canyon National Parks, California. (36°40′ N.; 118°30′ W.) A combination of two adjoining national parks, this tract includes Mount Whitney, the tallest mountain in the United States outside of Alaska, Mineral King Valley, and two enormous canyons of the Kings River. Groves of giant sequoia, the world's largest living things, are found here. This area has been designated a Biosphere Reserve. *Criteria:* (ii) An outstanding example of significant geological processes and biological evolution, and (iii) contains superlative natural phenomena, and areas of exceptional natural beauty.

Yosemite National Park, California. (37°50′ N.; 119°30′ W.) Granite peaks and domes rise high above broad meadows in the heart of the Sierra Nevada, along with groves of sequoias and related tree species. Mountains, lakes, and waterfalls, including the nation's highest, are found here. *Criteria:* (ii) An outstanding example of significant geological processes and biological evolution, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Sonoran Desert

Organ Pipe Cactus National Monument, Arizona. (32°0′ N.; 112°50′ W.) This park contains block-faulted mountains separated by wide alluvial valleys, along with playas, lava fields, and sands. It includes representative examples of the Sonoran Desert found in this region and nowhere else in the United States. This area has been designated a Biosphere Reserve. *Criteria:* (ii) An outstanding example of biological evolution, and (iii) contains superlative natural phenomena.

Saguaro National Monument, Arizona. (32°10′ N.; 110°40′ W.) Giant saguaro cactus, unique to the Sonoran Desert of southern Arizona and northwestern Mexico, reach up to 50 feet in height in the cactus forest in this park. *Criteria:* (ii) An outstanding example of biological evolution, and (iii) contains superlative natural phenomena.

Dated: April 30, 1982.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 82-12283 Filed 5-5-82; 8:45 am]

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Thursday, May 6, 1982

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing May 3, 1982

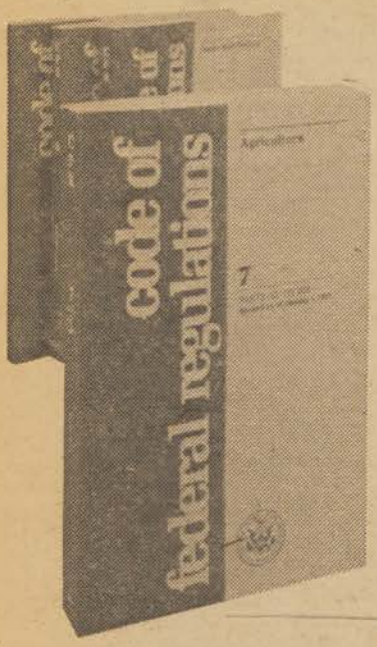
LIST OF ACTS REQUIRING PUBLICATION IN THE FEDERAL REGISTER, 1981

Additions to Table III, January 1981 through December 1981

This table lists the subject matter, public law number, and citations to the U.S. Statutes at Large and U.S. Code for those acts of the first session of the 97th Congress which require Federal agencies to publish documents in the **Federal Register.**

Table III appears in the CFR Index and Finding Aids volume revised as of January 1, 1982.

Description of Act	*Citation*
Steel Industry Compliance Extension Act of 1981	Public Law 97-23; 95 Stat. 139; 42 U.S.C. 7413.
Omnibus Budget Reconciliation Act of 1981	Public Law 97-35; 95 Stat. 433, 453, 502, 601, 639, 658, 679, 704, 708, 711, 900; 12 U.S.C. 3026, 20 U.S.C. 1089, 42 U.S.C. 9839, 42 U.S.C. 10008, 45 U.S.C. 231u, 45 U.S.C. 767, 45 U.S.C. 748, 15 U.S.C. 2058, 15 U.S.C. 1261, 15 U.S.C. 1193, 42 U.S.C. 8626.
Marine Mammal Protection Act of 1972, amendment	Public Law 97-58; 95 Stat. 979; 16 U.S.C. 1371.
Veterans' Health Care, Training, and Small Business Loan Act of 1981	Public Law 97-72; 95 Stat. 1059, 1061; 38 U.S.C. 1850, 219 note.
Agriculture and Food Act of 1981	Public Law 97-98; 95 Stat. 1272; 7 U.S.C. 150dd.
Czechoslovakian Claims Settlement Act of 1981	Public Law 97-127; 95 Stat. 1677, 1678; 22 U.S.C. note prec. 1642.
Bandon Marsh National Wildlife Refuge, establishment	Public Law 97-137; 95 Stat. 1709, 1711.



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	Quantity	Charges
Enclosed		
To be mailed		
Subscriptions		
Postage		
Foreign handling		
MMOB		
OPNR		
UPNS		
Discount		
Refund		