

Federal Register

Wednesday
July 7, 1982

Selected Subjects

- Administrative Practice and Procedure**
Occupational Safety and Health Review Commission
- Air Pollution Control**
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- Banks, Banking**
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- Savings and Loan Associations**
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Consumer Product Safety Commission

Veterans

Veterans Administration

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DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Parts 317 and 381

[Docket No. 78-736F]

Official Establishment Numbers on Meat and Poultry Products

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The Food Safety and Inspection Service is amending the Federal meat and poultry products inspection regulations to provide greater consistency and flexibility in the requirements for placement of official establishment numbers on immediate containers of meat food products and poultry products. The current meat and poultry products inspection regulations, which now differ considerably from one another, are being revised to provide identical, simplified requirements for both meat and poultry processors. This will provide processors with greater flexibility in the design and use of labeling materials, while enhancing consumers' ability to determine the source of various products.

EFFECTIVE DATE: August 6, 1982.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Hibbert, Director, Standards and Labeling Division, Meat and Poultry Inspection Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-6042.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Agency has determined in accordance with Executive Order 12291 that this final rule is not a "major rule." It will not result in an annual effect on the economy of \$100 million or more; a

major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This docket has been reviewed for cost effectiveness under USDA Secretary's Memorandum 1512-1 implementing Executive Order 12291. The implementation of this regulation will provide manufacturers of meat food products and poultry products with greater flexibility in the design and use of labeling materials. The action is not expected to have any adverse impact on industry because the final rule merely permits greater flexibility in the use of labeling materials. It imposes no new requirements on businesses of any size. There are no adverse economic impacts or social costs identified with this action. Consequently, it will have a net benefit to society. The only alternative to this action considered was to retain the status quo and not to issue these final changes. Retention of the existing regulations for placement of the official establishment number would not provide the benefits of less restrictive regulations.

Effect on Small Entities

The Administrator, Food Safety and Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act, Public Law 96-354 (5 U.S.C. 601) because this will impose no new requirements on industry. This final rule will permit greater flexibility in the use of labeling materials.

Background

In accordance with the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*) and the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451 *et seq.*), the Federal meat and poultry products inspection regulations prescribe the form of the official inspection legend denoting a federally "inspected and passed" product. The Agency assigns an establishment number to each individual establishment processing meat or poultry products under a grant of Federal inspection. This

number is placed on a product label and serves as a simple and accurate identification of the source of the product.

Presently, the Federal meat inspection regulations and the poultry products inspection regulations are inconsistent regarding the placement of the official establishment number on product containers. Federal meat inspection regulations, with a few exceptions, require that the official establishment number be part of the official inspection legend which also must be printed on the product label.

However, the poultry products inspection regulations permit the official establishment number to be omitted from the official inspection legend when it is in close proximity to the legend and is clearly visible elsewhere on the exterior of the container. With respect to canned products, the meat inspection regulations require the official establishment number to be placed on both the lid of a canned product and the paper label, while the poultry products inspection regulations allow the number to be placed on either the can lid or the paper label.

The Proposal

On July 28, 1981, the Agency published a proposed rule which would correct the aforementioned inconsistencies (46 FR 38525). The comment period ended on September 28, 1981.

It was proposed that establishments have three options for the placement of the official establishment number: (1) Within the official inspection legend; (2) outside the official inspection legend on the same container panel and in close proximity to the official inspection legend, or (3) elsewhere on the container, its closure clip, or the packaging or labeling material within the container, when a statement of its location is printed contiguous with the official inspection legend, such as "Est. No. on Lid".

Comments Received

The Agency received 11 comments in response to the proposed rule—4 from meat processors, 2 from poultry processors, 1 from a meat and poultry processor, 3 from meat trade associations, and 1 from a poultry association. Three meat processors and one meat trade association gave full

support to the proposed rule. The issues raised by the other commenters and the Agency's response to each issue are as follows:

1. Seven commenters opposed the proposed condition to option three, that when the official establishment number is placed outside the inspection legend, on a different container panel and not in close proximity to the inspection legend, a statement of its location must be printed contiguous to the inspection legend. Five of these commenters believed the condition is unnecessary except in cases where the placement of the establishment number off the exterior of the container is required to be indicated under current regulations. The other two commenters expressed their desire to eliminate any reference whatsoever to the location of the establishment number. The commenters most often cited the restrictiveness and cost of a location statement as reasons for opposing the implementation of this requirement. They believed that the Agency should consider the following factors when making a final determination concerning the necessity for a statement of location:

a. For many years, the poultry products inspection regulations have permitted the official establishment number to be placed elsewhere on labeling, even on can lids, without a statement of location except in a limited number of conditions. The meat inspection regulations, in some situations, also permit the establishment number to be placed elsewhere on the container without a statement of location. Commenters were unaware of any problems or confusion that this practice has caused consumers, processors, or governmental agencies.

b. Many product labels are so small and some labels are used in such a variety of ways on containers that a statement of location would necessitate a major redesign of the labels and require larger inventories of labels.

c. There are various makes, models, and designs of printing equipment which apply the establishment number at different locations on similarly packaged products. If the proposal were adopted, the statement of location would require new equipment or larger inventories of labels.

d. Anyone who knows enough to look for the establishment number will certainly find it if it is printed anywhere on the exterior of the container.

e. It is an established practice, especially for the poultry industry, to place embossed information on can lids, making a can lid a logical place to find the establishment number.

The Agency has carefully considered the comments on the use of a location statement and finds the arguments against such general requirement persuasive, particularly in view of the longstanding practices of the poultry industry. However, the Agency adheres to the principle that the establishment number must be easily found so that the source of product can be identified. This is of particular importance in situations where the identification and recall of adulterated or misbranded product may be necessary. The Agency believes some indicator of location would facilitate identification and recalls where the establishment number is placed in an unusual or unexpected location on the package. Under these circumstances, it seems appropriate to make a distinction between those situations where a location statement may not be necessary because the establishment number is placed in a prominent location, and those where a less prominent placement indicates a need for a location statement.

Therefore, the Agency has determined that the statement of location will not be required when the official establishment number is placed prominently on the exterior of a container or its labeling. As currently specified in the meat and poultry products inspection regulations, a statement is required with the placement of the official establishment number on bag closures, aluminum pans or trays within containers, and on the back of paper labels of canned products.

A fourth option has been added in the final rule for both meat and poultry products to permit the establishment number to be shown on an insert label placed under a transparent covering. This option is consistent with the existing § 381.123(b) of the poultry products inspection regulations.

Since, in most cases, the statement of location of the official establishment number will not be required, the Agency is retaining the language of the present regulations which requires the official establishment number to be placed in a prominent and legible manner in a size sufficient to insure easy recognition. This approach is consistent with section 1(n)(6) of the Federal Meat Inspection Act and section 4(h)(6) of the Poultry Products Inspection Act which provide that information required to appear on the product label be prominently placed with such conspicuousness and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use. The final rule has been amended to reflect these changes.

2. One meat processor was particularly concerned that the proposal

addressed placement of the establishment number only and did not address content. Specifically, the commenter felt that there should be a requirement for "EST" to be prefixed to the number. The commenter stated that a number without "EST" could be interpreted as a closed date or other coded information used by the processor.

The official establishment number, when outside of the official inspection legend, has been interpreted, under existing regulations by the Agency, to include, by definition, the prefix "EST" for establishments under Federal meat inspection and "P" for establishments under Federal poultry products inspection. The Agency agrees that confusion could easily arise if the establishment number were placed outside the official inspection legend on the container or labeling without the appropriate prefix. To preclude such a practice, the Agency has included in the final rule, a provision requiring "EST" or "P" as a prefix to the number in certain cases. In situations where the location statement is required, the "EST" or "P" prefix may be omitted; e.g., on a closure clip. In these circumstances, the Agency does not believe the prefixes are necessary because the location statement identifies the number. The final regulation has not been changed in this regard.

3. A meat trade association expressed the view that the official establishment number should be shown on the label as well as the lid for canned products that are co-packed. The commenter believed that it would not be logical for any company to put the inspection legend on a label when the distributor does not own an official establishment and has never been granted Federal inspection.

The Agency is not aware of any reason to treat co-packed products differently from other labeled products. The co-packer's name on the label has long been required to be qualified by such terms as "distributor," "prepared for," or "packed for". This is an accepted, established practice which clearly indicates the relationship of the co-packer to the holder of the grant of inspection indicated by the official inspection legend on the label. Consequently, the Agency believes no change is needed to existing requirements in this regard.

List of Subjects

7 CFR Part 317

Food labeling, Meat inspection.

7 CFR Part 381

Food labeling, Poultry products inspection.

PART 317—LABELING, MARKING DEVICES, AND CONTAINERS

Accordingly, Part 317 of the Federal meat inspection regulations (9 CFR Part 317) and Part 381 of the poultry products inspection regulations (9 CFR Part 381) are revised as follows:

1. The authority citation for Part 317 reads as follows:

Authority: 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 438; 21 U.S.C. 71 *et seq.*, 601 *et seq.*, 33 U.S.C. 1254.

2. Section 317.2(d)(2)(ii) of the Federal meat inspection regulations (9 CFR 317.2(d)(2)(ii)) is amended by deleting that portion of the present text at the end of the subdivision reading "as provided in paragraphs (f)(3), (g)(2), and (i)(8) and (9)" and inserting a period after the last reference to "panel".

3. Section 317.2(i) of the Federal meat inspection regulations (9 CFR 317.2(i)) is revised to read as follows:

§ 317.2 Labels: definition; required features.

(i) The official establishment number of the official establishment in which the product was processed under inspection shall be placed as follows:

(1) Within the official inspection legend in the form required by Part 312 of this subchapter; or

(2) Outside the official inspection legend elsewhere on the exterior of the container or its labeling, e.g., the lid of a can, if shown in a prominent and legible manner in a size sufficient to insure easy visibility and recognition and accompanied by the prefix "EST"; or

(3) Off the exterior of the container, e.g., on a metal clip used to close casings or bags, or on the back of a paper label of a canned product, or on other packaging or labeling material in the container, e.g., on aluminum pans and trays placed within containers, when a statement of its location is printed contiguous to the official inspection legend, such as "EST. No. on Metal Clip" or "Est. No. on Pan", if shown in a prominent and legible manner in a size sufficient to insure easy visibility and recognition; or

(4) On an insert label placed under a transparent covering if clearly visible and legible and accompanied by the prefix "EST".

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

4. The authority citation for Part 381 reads as follows:

Authority: Section 14 of the Poultry Products Inspection Act, as amended by the Wholesome Poultry Products Act (21 U.S.C. 451 *et seq.*), the Talmadge-Aiken Act of September 28, 1962 (7 U.S.C. 450); and subsection 21(b) of the Federal Water Pollution Control Act, as amended by Public Law 91-224 and by other laws (33 U.S.C. 1254).

5. Section 381.123 of the poultry products inspection regulations (9 CFR Part 381.123) is revised to read as follows:

§ 381.123 Official inspection mark; official establishment number.

The immediate container of every inspected and passed poultry product shall bear:

(a) The official inspection legend; and
(b) The official establishment number of the official establishment in which the product was processed under inspection and placed as follows:

(1) Within the official inspection legend in the form required by Subpart M of this Part; or

(2) Outside the official inspection legend elsewhere on the exterior of the container or its labeling, e.g., the lid of a can, if shown in a prominent and legible manner in a size sufficient to insure easy visibility and recognition and accompanied by the prefix "P"; or

(3) Off the exterior of the container, e.g., on a metal clip used to close casings or bags, or on the back of a paper label of a canned product, or on other packaging or labeling in the container, e.g., on aluminum pans and trays placed within containers, when a statement of its location is printed contiguous to the official inspection legend, such as "Plant No. on Package Closure" or "Plant No. on Pan", if shown in a prominent and legible manner in a size sufficient to ensure easy visibility and recognition; or

(4) On an insert label placed under a transparent covering if clearly visible and legible and accompanied by the prefix "P".

Done at Washington, DC, on: June 21, 1982.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 82-18359 Filed 7-6-82; 8:45 am]

BILLING CODE 3410-DM-M

COMMODITY FUTURES TRADING COMMISSION**17 CFR Part 5****Dormant and Low Volume Contracts**

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule.

SUMMARY: These rules will assist the nation's commodity exchanges in discharging their self-regulatory responsibility of monitoring designated contract markets for continued compliance with the Commodity Exchange Act. The rule governing dormant contracts should provide both the exchanges and the Commission with an opportunity before a dormant contract is again listed for trading to ascertain whether the contract's terms and conditions conform to cash market practices and whether the contract is likely to serve an economic purpose, and thereby complies with the requirements of the Act. The reporting requirement for low volume contracts should aid both the Commission and the exchanges in obtaining information concerning the composition and nature of trading volume and open interest in low volume contracts. This information will be useful in determining whether the low volume contract continues to serve an economic purpose and whether additional surveillance procedures are needed to ensure that trading in the contract market remains in compliance with various provisions of the Act and Commission rules.

DATE: These rules shall be effective October 5, 1982.

ADDRESS: Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581.

FOR FURTHER INFORMATION CONTACT: Blake Imel, Deputy Director, or Paul Architzel, Acting Chief Counsel, Division of Economics and Education, Telephone (202) 254-3203; 254-6990, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581.

SUPPLEMENTARY INFORMATION: On November 5, 1980, the Commission published for public comment proposed Rules 5.2 and 5.3 (45 FR 73499 (November 5, 1980)).

The Commodity Futures Trading Commission ("Commission") has adopted two rules to aid it in monitoring continued compliance by designated contract markets with the requirements of the Commodity Exchange Act, 7 U.S.C. 1 *et seq.* (1976 and Supp. IV 1980) ("Act"). The first of these rules provides

that additional delivery months in dormant contracts, as defined under the rule, only may be listed for trading subject to passage by a contract market of an implementing bylaw, rule, regulation or resolution and Commission approval thereof under Section 5a(12) of the Act, 7 U.S.C. 7a(12) (Supp. IV, 1980) and Commission Rule 1.41(b), 17 CFR 1.41(b). As adopted, the definition of dormant contract provides that a contract market is "dormant" when it has not traded for any of six consecutive months. In addition, the rule provides a period of three years from either initial designation or from the date of Commission approval to resume trading before a contract is considered to be "dormant."

The second rule requires low volume contract markets to provide data concerning trading by floor brokers or floor traders and customers; identification of commercial participants in the low volume contract; and a brief statement of additional surveillance procedures instituted by the contract market to detect potential trade practice violations. As adopted, the reporting requirement is triggered when fewer than 1,000 contracts are traded in four of any six months. Reports are not required during the first three years following the initial designation of a contract market by the Commission or following approval by the Commission of the resumption of trading of a dormant contract. In addition, the final rule provides a procedure whereby a contract market, when reporting for any low volume trading period, may petition the Commission to exempt it from future reporting.

The Commission provided approximately three months for public comment on the proposed rules and later extended the comment period by an additional thirty days. 46 FR 9958 (January 30, 1981). Seven commodity exchanges commented on the proposed rules. Of the seven commentators, one favored proposed Commission Rule 5.3, a reporting requirement on low volume contracts, and expressed concern over only certain technical aspects of the rule. The remaining commentators were opposed to the proposed rules.

Generally, opposing commentators questioned whether proposed Commission Rule 5.2, governing dormant contracts, could be a means of avoiding procedural requirements established in various sections of the Act; whether the Commission had correctly apprehended the meaning of the Section 5(g) (7 U.S.C. 7(g) (1976)) "public interest" requirement for designation; and whether the cost of compliance with the rule as proposed

was justified. Commentators generally, however, did not describe the procedures, if any, they now take to assure that the terms and conditions of a dormant contract are in compliance with the Act before trading in such contracts is resumed.

Commentators opposed to proposed Commission Rule 5.3, which requires certain reports on low volume contracts, again suggested that the Commission had misconstrued the Section 5(g) "public interest" requirement for continuing designation; that there was a lack of compelling evidence that certain trade practice abuses have been associated with low volume markets; and that the cost of compliance outweighed the benefits to be derived from the rule. The Commission has carefully considered all of the comments submitted and for the reasons set forth below, believes that the rules, as modified, should be adopted.

I. Dormant Contracts

1. Statutory Authority

Commission Rule 5.2 provides that additional months for trading of a dormant contract only may be listed to trade following approval by the Commission under Section 5a(12) of the Act, 7 U.S.C. 7a(12) (Supp. IV 1980), and Commission Rule 1.41(b), 17 CFR 1.41, of an exchange bylaw, rule, regulation, or implementing resolution. Several commentators suggested that the Commission's rule, in effect, would revoke or suspend contract market designations without according the contract market a revocation proceeding.

The Commission does not view Rule 5.2 as a substitute for any of the procedures provided in the Act for contract market revocation. As the Commission stated in its November 5, 1980, Federal Register notice, the purpose of the rule is to provide the Commission an opportunity to review the economic purpose of a dormant contract and the adequacy of its terms and conditions prior to its resumption of trading. If, as a result of that review, however, the Commission believes that the contract would serve no economic purpose or that the contract market is otherwise in violation of the Act's continuing requirements for designation, it would commence an independent revocation proceeding under Sections 5b and 6(a) of the Act, 7 U.S.C. 7b and 8(a) (Supp. IV, 1980).¹

¹ At least one commentator likened the potential delay in trading a contract to a suspension of a contract market designation pursuant to Section 5b of the Act, 7 U.S.C. 7b (1974). A delay in the resumption of trading pending Commission review

Some commentators opined that Commission Rule 5.2 would have the effect of amending existing exchange bylaws or regulations, and that such amendments must be made pursuant to the procedures provided by Section 8a(7) of the Act, 7 U.S.C. 12a(7) (1976). That section empowers the Commission to alter or supplement the rules of any contract market under certain conditions. The Commission believes that this view is without merit.

In the first instance, many, if not all of the rules of general applicability promulgated by the Commission under Section 8a(5) of the Act, 7 U.S.C. 12a(5) (1976), may affect particular exchange bylaws, rules, or practices. Indeed, Commission Rule 5.2 is similar to other Commission rules which require exchanges to provide certain information to the Commission (*See e.g.*, Commission Rule 1.50), and is consonant with the existing over-all regulatory scheme.

Moreover, the Commission's Section 8a(7) authority to alter or supplement particular rules of a contract market does not abrogate the Commission's broad authority to promulgate rules of general applicability. As the Commission has previously explained:

Commission approval of a rule of a particular contract market * * * does not preclude the Commission in the future from adopting a rule applicable to all contract markets which would impose additional or different requirements than those set forth in the exchange rule that the Commission had previously approved. To view the matter differently would subordinate the Commission's general rulemaking authority

following a period of dormancy, however, is not synonymous to the suspension of designation of an actively traded contract.

This rule is not intended to effectuate a suspension, but rather is intended to provide the Commission certain types of information so that it may determine whether resumed trading in the contract is in compliance with the requirements of the Act. As the Commission noted in its Federal Register notice proposing Rule 5.2, the Commission had considered as an alternative approach, to require dormant contract markets routinely to demonstrate continued compliance with the Act through periodic filings of information pursuant to Commission Rule 1.50. Instead, the Commission determined that the better approach is to require such a showing for dormant contracts only prior to an intended resumption of trading. Despite this difference in approach, Commission Rule 5.2 performs an information-generating function similar to that of Commission Rule 1.50.

In any event, it should be noted that the rule provides that if no Commission action has been taken on an exchange submission to resume trading within thirty days, the Commission shall approve the exchange bylaw, rule, regulation or resolution permitting trading to resume. Moreover, the Commission noted in its November 5, 1980, notice, and hereby reaffirms, that it intends to expedite its review and consideration of contract market submissions concerning dormant contracts.

to that of the governing board of a single exchange whose judgment may differ from that which the Commission may subsequently make in discharging its responsibilities under the Act. 43 FR 39956, 39967 (September 8, 1978)

In this regard, the commentators' suggestion that their procedural rights might have been prejudiced by this informal rulemaking proceeding was based on the erroneous belief that Commission modifications of exchange rules under Section 8a(7) are accomplished through more formal procedures than used here. However, the Commission has interpreted Section 8a(7) as requiring only informal rulemaking proceedings to amend or alter exchange rules.²

2. Sections 5 and 5a Considerations

The Commission may designate a board of trade as a contract market for futures trading only when it meets the requirements of Sections 5 and 5a of the Act. The Commission noted in its November 5, 1980, Federal Register release that document contracts raise particular issues relating to the contracts' continuing compliance with particular requirements of those sections. Specifically, under Section 5(g) of the Act, a contract market must demonstrate that transactions for future delivery will not be contrary to the public interest. The test includes an "economic purpose" test which requires a board of trade to demonstrate that more than occasional use of the contract for hedging or price basing exists, or reasonably can be expected to exist. Comm. Fut. L Rep. [CCH] ¶6145 at 6077.

In proposing Rule 5.2, the Commission reasoned that contracts which have ceased to trade may not be fulfilling, and may be unable to fulfill, the economic purpose which is required of them in order to retain designation. As one commentator agreed:

[L]ogically, if the market for the particular contract is non-existent, the very moribundity of the market indicates that the contract may in fact be serving no economic purpose.

One commentator asserted that when Congress enacted the public interest test in place of the House of Representatives' proposed "economic purpose" test, Congress did not intend to require a demonstration of a contract's economic purpose as one of the conditions for designation. However, Congress made clear when it adopted Section 5(g) that the public interest test includes, and is broader than the

"economic purpose" test. See, S. Rep. No. 1194, 93d Cong., 2d Sess. 36 (1974); Commission Guideline No. 1, Comm. Fut. L. Rep. ¶ 6145, at 6077-6078.³

Other commentators suggested that market interest in, or volume of, trading alone should determine whether a contract serves an economic purpose. They reasoned that if an exchange wished to resume trading a dormant contract, its interest in resuming trading on a trial basis was sufficient to establish economic purpose and no further justification was required. The market would then determine definitively the economic purpose of the contract by the success of the trading months which were listed as a "trial balloon."

However, once a contract fails to trade, and becomes dormant, the market has, to some extent, passed judgment on that contract. Accordingly, the Commission and the contract markets must consider that prior market failure when assessing whether the dormant contract complies with the requirements of Section 5(g) of the Act.⁴ Moreover, the Act places a higher burden on contract markets for continued designation than merely demonstrating that some trading in the contract occurs.⁵

The Commission also noted in its previous Federal Register notice that in addition to a failure to serve an economic purpose, a dormant contract raises concerns over other requirements contained in Sections 5 and 5a of the Act which require the conformity of contract terms and conditions to current cash market conditions. For active contracts the Commission depends to a

³ In adopting the "not contrary to the public interest" test, the Conference Committee reported that:

The broader language of the Senate provision would include the concept of the "economic purpose" test provided in the House bill subject to the final test of the "public interest".

S. Rep. No. 1194, *supra*, at 36.

⁴ The Commission notes, however, that the rule does not contemplate that the lack of trading alone indicates that a previously designated contract no longer meets the economic purpose requirements. Instead, as noted in the release accompanying proposed Rule 5.2, the Commission believes that dormant contracts raise particular questions which make it appropriate that the Commission be afforded the opportunity to review the prospective economic purpose of trading in additional delivery months proposed for listing. For instance, the Commission has noted that economic conditions which have changed subsequent to the time which the contract became dormant may make it reasonable to expect that the contract will be used upon more than an occasional basis for hedging or price basing. 46 FR 73499, 73501.

⁵ Thus, even where substantial trading activity in a contract occurs:

[I]f a market were being used almost entirely for speculation rather than for legitimate hedging, it would not be in the public interest. 120 Cong. Rec. 30468 (September 9, 1974) (Senator Talmadge)

certain extent upon its surveillance of the trading activity and delivery experience as an early indicator that the terms and conditions of particular contracts may require alteration if they are to remain in compliance with the Act. In the case of dormant contracts, of course, surveillance experience cannot serve as an indicator of possible contract deficiencies to either the Commission or the contract market.

With respect to continuing conformity of contract terms and conditions with current cash market practices, three commentators opined that the Commission should rely solely on the exchange's perceptions of their own costs and benefits in determining whether a dormant contract was suitable for the listing of new delivery months. Another commentator noted that the proposed rule "improperly shifts the burden from the Commission to the Exchange in regard to its continued existence as a contract market."

The Commission is not persuaded by these comments that concerns over continuing compliance of the terms of contracts which have ceased trading are inappropriate. For example, none of the exchanges indicated that they routinely reviewed the terms and conditions of contracts which have ceased to trade to assure their continuing compliance with the Act. To the contrary, one exchange suggested that resumption of trading to test whether there was sufficient interest before the terms and conditions would be reviewed by the contract market was the appropriate, most cost-effective means of reviving a dormant contract.⁶ As noted above, however, the Act clearly provides that designation requires continuing compliance with certain provisions of the Act and that the burden of such continuing compliance rests with the board of trade.

3. Associated Costs

Several commentators objected that the costs associated with the rule as

⁶ By enacting Section 5(g) of the Act, however, Congress determined that more than mere trading volume would be required for a contract market to continue to meet the conditions of designation. Moreover, the provisions of Section 5a of the Act, 7 U.S.C. 7a (1976 and Supp. IV 1980), which concern contract terms and conditions, specify additional requirements for continuing designation which are unrelated to trading volume. For example, Section 5a(10), 7 U.S.C. 7a(10) (1976), requires that contract markets specify delivery points, deliverable grades and price differentials which will prevent or diminish manipulation, market congestion and abnormal movements of the commodity, and provides that the Commission may modify such contract terms to accomplish these purposes for contracts which are currently trading, if the contract market fails to do so.

² See e.g., 46 FR 57457, 57458 (Nov. 24, 1981). *Board of Trade of the City of Chicago v Commodity Futures Trading Commission*, Case No. 81 C 7175 (N.D. Ill. February 25, 1982) (per McMillen, J.), Transcript, p. 57-58; Order dated April 23, 1982, p. 7, appeal pending, No. 82-1682 (7th Cir.).

proposed outweighed its benefits and suggested that the additional cost of preparing a submission under Commission Rule 5.2 would discourage exchanges from listing new months for trading in a dormant contract. In addition, some commentators expressed a concern that Commission review of materials submitted under the proposed rules on dormant or low volume contracts would divert Commission resources from other matters, such as the review of applications for the designation of new contract markets. Some commentators also argued that the delay in listing new months once an exchange had decided to seek Commission approval would impose an unacceptable cost on society.⁷ The Commission has carefully weighed these arguments, and has determined that the approach being adopted is the least costly, particularly in view of certain modifications to the proposed rule concerning the proposed exemption period and the definition of dormant contracts which are discussed below.

The Commission recognizes that preparation of the justification required by the rule will involve an additional expense to an exchange wishing to resume trading in a dormant contract. However, there is a countervailing cost to society in the event that contracts with inadequate terms and conditions are listed for trading and disruptive trading resulted. Moreover, in order to retain designation and to be in compliance with the requirements of the Act, contract markets must in any event keep their terms and conditions in conformance with cash market practices and must meet the requirements of the economic purpose test. Thus, the contract market necessarily would have to assure itself that resumed trading in a dormant contract would be in compliance with these requirements of the Act. Accordingly, the burden associated with submitting a justification to the Commission is not substantially greater than that which currently is required under the Act of the contract markets as self-regulatory organizations.

The Commission fully anticipates that the review of materials submitted under

its new Rules 5.2 and 5.3 may at times draw on Commission resources. For the reasons stated above, the continuing nature of the requirements of Sections 5 and 5a of the Act underscore that this use of the Commission's resources is appropriate. And, as discussed below, alternatives to this rule would require a far greater expenditure of Commission resources in enforcing these provisions of the Act. Moreover, the Commission believes that competing demands for its resources which are caused by its obligations to review the compliance of newly proposed contracts as well as to insure compliance of currently designated contracts may be resolved through other measures.⁸

In proposing Rule 5.2, the Commission noted that one alternative to the proposed rule would require contract markets which have no trading activity to demonstrate periodically continued compliance with the Act through the routine filing of appropriate materials pursuant to § 1.50 of the Commission Rules, 17 CFR 1.50. Thus, the Commission would be assured that whenever a dormant contract was again listed, it would be in compliance with the Act. For the reasons stated in the prior notice, the Commission continues to believe that this alternative approach would impose far greater costs on both the contract markets and on the Commission.

Nor will there be substantial delays in the resumption of trading dormant contracts. The rule provides that the Commission will approve within thirty days of its receipt, the bylaw, rule, regulation or resolution of the contract market to list additional trading months

⁷For example, in response to an increasing number of pending designation applications, the Commission in mid 1980 implemented steps to increase the rate at which applications could be considered with existing staff resources. In the first eighteen months since the new procedures were adopted, the Commission has acted upon a total of thirty applications for the designation of new contracts. In contrast, only twenty-nine such applications were acted upon previously, since the inception of the Commission in April of 1975.

In addition, on September 17, 1981, the Chairman of the Commission sent letters to contract markets and subsequently announced in the *Federal Register* (46 FR 47108 (September 24, 1981)) a new Commission policy concerning voluntary withdrawal of designation applications by contract markets which failed to respond to Commission requests for additional information concerning the submission within ninety-days. Five pending applications have been voluntarily withdrawn by exchanges since that time.

Finally, the Commission has proposed revisions to its current Guideline No. 1, to ameliorate the:

Substantive Commission resources [required] for purposes of soliciting additional information from boards of trade and other sources, * * * [and the] concomitant delays in review.

45 FR 73504 (November 5, 1980). That proposal remains pending.

unless it determines within that time that further comment or information is needed. Moreover, the Commission has committed itself to expedite consideration of contract market submissions concerning dormant contracts. Accordingly, with cooperation from the contract markets, any cost to society associated with undue delays can be minimized.

4. Other Considerations

As proposed, Rule 5.2 defined a dormant contract as any futures contract in which no trading occurred in any future listed for trading in any one calendar month which followed the earlier of the twelfth calendar month subsequent to initial trading or the eighteenth calendar month after designation. In connection with this definition, several commentators questioned the appropriateness of the one-month of no trading activity criterion.

Commentators believe that one month was too short a time period on which to base a decision to discontinue the listing of additional trading months. When no trading activity has occurred for one month, however, the likelihood of resumed trading in the contract in the short term is remote. The Commission recognizes, however, that at times there may be exceptions to this. In certain instances it is possible that a lack of trading interest in a particular contract may be due to technical deficiencies. To the extent possible, the Commission desires to give boards of trade sufficient time to correct these deficiencies. In this respect, the Commission believes that a six month time period is more than sufficient for exchanges to determine whether to list additional months for trading. Further, a six-month period to establish a contract's dormancy is consistent with the low volume reporting period adopted in Rule 5.3.⁹

The Commission has also added a provision which enables a contract market to certify to the Commission that a contract is dormant. Without this provision, a contract market which has had any trading during a six month period, no matter how minimal, would not be dormant. The Commission has provided for this voluntary certification procedure in order to relieve contract markets of what might be perceived to

⁹In this connection, one commentator opined that the proposed one month period might result in hedgers being unable to roll-over their positions, as planned, into delivery months yet to be listed. After a contract has failed to trade for a six month period, however, it is unlikely that any hedger would expect to be able to roll-over positions into newly listed months.

⁷One such commentator misunderstood the nature of the requirement of Commission Rule 5.2, believing that it required approval "of each additional delivery month listed for trading in contracts which are 'dormant'." This rule as proposed, and as adopted, only requires contract markets to obtain Commission approval at the time trading in a dormant contract is resumed. That is not to say, however, the Rule 5.2 supercedes or limits the obligation of contract markets to submit exchange rules or resolutions pursuant to Section 5a(12) of the Act, and Commission Rule 1.41, 17 CFR 1.41, thereunder.

be an additional burden—filing a low volume report even though the exchange has determined during the relevant low volume period not to list additional trading months in that contract.

The proposed rule provided that a contract could be considered dormant only after the first year of trading. Commentators suggested that this grace period was insufficient to determine the potential commercial viability of a contract. These commentators contended that the one year period would place an undue burden on exchanges in terms of rejustifying contracts and could discourage the successful introduction of new contracts. Although one year is generally a sufficient period to determine the success of a new contract, the Commission agrees that a longer period may be necessary in some cases before meaningful evidence of commercial use of the contract for hedging or for price basing is established. More importantly, with respect to the concern over the terms and conditions of dormant contracts, the Commission believes that cash market practices do not normally change significantly over the first several years following a review of a contract. In view of this, the Commission has modified the rule to provide an exemption period of three years following designation by the Commission during which no contract shall be considered to be dormant.

Under Commission Rule 5.2, before a dormant contract resumes trading, the contract market must demonstrate that it likely will serve an economic purpose and that the terms and conditions of the contract conform to the cash market. The Commission therefore has determined that previously dormant contracts which have been approved for resumed trading pursuant to Rule 5.2, should be treated similarly to newly designated contracts. Accordingly, Commission Rule 5.2, as adopted, provides that in no event shall a contract be considered as dormant during the first thirty-six (36) complete calendar months following Commission approval of resumed trading under the rule.¹⁰

¹⁰ As originally proposed, Rule 5.2 provided for a period of up to approximately six months after designation for an exchange to initiate trading in a newly approved contract and commence the twelve month grace period discussed above. This initial six month period was intended to allow exchanges to take steps necessary to facilitate trading prior to listing. In view of the extended exemption period adopted, this distinction between the time of Commission designation and initial trading has been eliminated and all calculations in Rule 5.2 are based upon the date of Commission approval.

On a related issue, one commentator suggested that upon amendment of terms and conditions of a contract—regardless of whether it is dormant or low volume—contract markets be granted an exemption period under Rules 5.2 and 5.3 similar to that provided for newly designated contract markets, because “* * * a change in contract market rules may alter the character of a contract to such an extent that it may be practically considered a new contract.” The Commission has considered this comment and has determined not to amend the rule precisely as suggested because in the case of many exchange submissions pursuant to Section 5a(12) of the Act, the Commission may elect to review only the specific amendments submitted. In such cases, where the Commission has not conducted a general review of the contract, the Commission does not believe that it would be appropriate to renew the exemption period. However, in other cases, such as an extensively revised contract, or in connection with an extensive submission pursuant to Commission Rule 1.50,¹¹ the level of review concerning all substantive aspects of the contract terms and conditions may, in fact, be equivalent to that afforded a new designation application or to that afforded a dormant contract approved for resumed trading. In those instances, renewal of the exemption period would be appropriate. Accordingly, as adopted, Rule 5.2 provides that, at its discretion, the Commission may renew the exemption period for any contract for thirty-six months following a general review of the contract for compliance with Sections 5 and 5a of the Act.

II. Low Volume Contracts

With respect to Commission Rule 5.3, one commentator approved of the Commission's general concerns and proposed solution, noting that it

¹¹ Commission Rule 1.50 pertains to Commission requests for information demonstrating that a contract market is complying with “the conditions and requirements of Sections 5 and 5a of the Act.” However, paragraph (a) of that rule provides that:

[A]t the discretion of the Commission, the information requested may be limited to certain conditions and requirements of Sections 5 and 5a of the Act.

Accordingly, not every review of a contract pursuant to this rule will necessarily involve all aspects of Guideline 1.

Conversely, the Commission may also review all major aspects of a contract when amendments to only a single term are submitted for approval. Major contract terms are often interrelated and Commission Rule 1.41(b) provides that in submitting reviewable rules for Commission approval, contract markets set forth “any other information which may be beneficial to the Commission in analyzing the proposed reviewable rule.

applaud[ed] the Commission's decision to propose these less burdensome reporting requirements rather than implementing a policy of making routine requests for information as to low volume contracts under Commission rule § 1.50. We also appreciate that while the Commission has stated its doubts as to the economic purpose served by low volume contracts, rule §5.3 would permit the existence (or lack) of economic purpose to be demonstrated by data reflecting the actual experience and usage of the market.

Other comments relating to Commission Rule 5.3, however, generally suggested that the Commission had misconstrued the Section 5(g) “public interest” requirement for designation and questioned whether the Commission had adequately considered the cost to the exchanges of compliance with the rule.

1. Need for Commission Rule 5.3

Several commentators opined that Commission Rule 5.3 was based upon the Commission's misreading of the appropriate Section 5(g) and Commission Guideline 1 criteria. These comments questioned whether a reporting requirement was needed as long as there was any trading in a specified contract. Any trading, no matter how minimal, they contended, demonstrated that the contract served an economic purpose and was therefore in compliance with the Act. Others opined that the potential to serve a hedging or price basing function—even in the absence of such actual usage—was sufficient. Some of the comments suggested that by proposing special requirements on contracts which trade below a specified volume level, the Commission had made a determination that such contracts were deficient with respect to the economic requirements of Sections 5 and 5a of the Act. Finally, some commentators suggested that the Commission had not demonstrated that trade practice abuses are likely to occur in low volume markets, and that if these did exist, Rule 5.3 did not adequately address the problem.

The Commission disagrees. The experience of the Commission has demonstrated that exchanges do not routinely conduct the necessary surveys to determine whether low volume contracts continue to fulfill an economic purpose by serving a hedging or price basing function. Moreover, the fact that there is some trading in a contract does not establish that the contract is being used for more than occasional hedging or for price basing. As the Commission explained in its November 5, 1980, notice, the purpose of Commission Rule 5.3, in part, is to solicit the information necessary to provide some evidence

whether the contract is, in fact, being used for hedging purposes.¹²

The Commission believes that while a contract is trading, objective evidence which demonstrates that the contract is being used for hedging is the most reliable means of determining a contract market's continuing compliance with the economic purpose requirement of the Act.¹³ As the Commission noted, however, because it does not require small traders to report, evidence is often lacking of the participation in a low volume contract market of commercial users, who tend to be non-reporting, smaller traders. Thus, the reporting requirement of Commission Rule 5.3 concerning commercial participation may be necessary to ascertain whether commercial users are among those trading a particular low volume contract.

Several commentators pointed out that a relatively low level of trading volume in a futures contract may have much to do with factors outside of contract design. They opined that the required reports do not take into account such reasons. As some commentators pointed out, changing economic circumstances in the underlying cash market could greatly influence whether or not a contract realized its potential usefulness for purposes of hedging.

The Commission is aware of this possibility and, as discussed above in relation to Rule 5.2, considered the alternative of routinely requiring those contract markets that trade at a low volume to demonstrate continued compliance with Sections 5 and 5a of

the Act under Commission Rule 1.50, which could require a full description of current economic circumstances, rather than the mere documentation of current commercial usage of the market. However, the Commission does not believe that such a burdensome requirement is necessary since in many instances summary data concerning the nature of trading activity and commercial participation may indicate whether the contract is being used on more than an occasional basis for hedging.¹⁴

In this regard, the Commission does not agree with those commentators who suggested that the reporting requirements of rule 5.3 imply that it has in some manner passed judgment on the commercial utility or the efficacy of contract terms of those contract markets which trade at a relatively low volume. Instead, the Commission has noted the potential for noncompliance by low volume contract markets with certain requirements of Sections 5 and 5a of the Act, and the absence of information which is readily available through existing sources which may address these concerns. Accordingly, adoption of Rule 5.3 simply represents the institution of a reporting requirement to fill this void, and in no way implies that the Commission has prejudged the compliance of those contract markets.

Commentators also objected to Commission Rule 5.3 on the grounds that the Commission has not sufficiently established that a particular problem exists with respect to trade practices in low volume contract markets or that this method of addressing that problem is cost-effective. For example, one commentator stated that requiring reports of volume and open contract positions will not help monitor trade practices. Others maintained that the self-interest of exchanges in promoting a positive image would insure that adequate surveillance is undertaken by the exchange without the necessity of a Commission rule.

Cases brought by the Commission, however, have involved low volume markets where the lack of competition in those markets has enhanced the

potential for trade practice abuses to occur. For example, the Commission has entered into an agreement with one exchange, the New York Mercantile Exchange, in settlement of a complaint by the Commission alleging failure of the exchange to enforce its rules and to conduct adequate surveillance of low volume contract markets in 400 ounce gold and in silver coins.¹⁵

The reporting requirement of Rule 5.3 is not intended to remedy directly the trade practice abuses which may occur in low volume markets. To the contrary, information required by the rule is intended to aid the Commission in identifying potential trade practice problems, if any, and to inform the Commission of the self-regulatory steps the exchange will take to insure that the enhanced opportunity for trade practice abuses in a low volume market will be addressed. The Commission believes that Rule 5.3 will be an effective means to aid it and the exchanges in improving the surveillance and policing of low volume contract markets.

2. Associated Costs

Several commentators suggested that certain technical amendments to the Commission's rule would alleviate unnecessary burdens associated with it. These commentators suggested that the volume level which triggers the reporting requirement, and its open-ended nature, may impose an unwarranted burden on certain contract markets. As the Commission has noted, some contract markets habitually may trade at low levels yet raise none of the issues associated with other low volume markets. Accordingly, after further consideration, the Commission has determined to modify the rule as proposed by providing a procedure whereby a contract market which has become low volume may petition the

¹²The Commission noted in its Federal Register Notice of November 5, 1980, that futures prices on low volume contract markets "may not fulfill a significant price basing function because they are not generally disseminated or are disseminated on an infrequent basis." 45 FR 73502. One commentator took exception, noting that it disseminated price information for all of its contracts. However, even when an exchange does disseminate prices for low volume contracts, price dissemination, without more, is not indicative that the contract is used for price basing. To demonstrate that a low volume contract is fulfilling this function, an exchange would have to provide evidence that commercials were using the price information generated by futures trading in pricing their commodities.

This information, however, is not required to be submitted under the rule. The Commission did not require that such information be submitted in light of the intended summary nature of the information generated under the rule. Nevertheless, the Commission believes that such information appropriately could be submitted as evidence which justifies the granting by the Commission of a petition to exempt the contract market from future reporting under Rule 5.3(c).

¹³As adopted, Rule 5.3 permits the contract market to submit statistics compiled by the Commission or by any other reliable source, or to conduct its own survey to identify use of the contract by hedgers.

¹⁴Where the statistical evidence generated by Commission Rule 5.3 reports fails to establish such hedging use, the Commission may determine that a more complete justification under Commission Rule 1.50 is warranted. One commentator, however, disagreed with the Commission's belief that the approach proposed under Rule 5.3 was preferable to routine calls for information pursuant to Commission Rule 1.50. Among other things, this commentator noted that Rule 1.50 allows the Commission to limit its request to specified information. However, as noted above, another exchange specifically approved of "these less burdensome reporting requirements * * *"

¹⁵See e.g., *In re New York Mercantile Exchange*, C.F.T.C. Docket No. 81-23. See also, *In the Matter of Stephen M. Sundheimer*, 2 Comm. Fut. L. Rep. ¶21, 245 (September 10, 1981), appeal pending No. 81-4186 (2d Cir.); and *In the Matter of Alfred Perlmutter*, Docket No. 79-33, Opinion and Order Accepting Offer of Settlement, (C.F.T.C. Dec. 3, 1979) (prearranged trading in the crude oil futures contract of the Petroleum Associates of the New York Cotton Exchange).

In addition, in connection with cases for criminal tax fraud or other violations, courts have noted the occurrence of trade practice abuses in the crude oil futures contract of the Petroleum Associates of the New York Cotton Exchange and in the Mexican Peso contract traded on the International Monetary Market of the Chicago Mercantile Exchange. *Cf. United States v. Turkish, et al.*, 623 F. 2d 769 (2d Cir. 1980) cert. denied — U.S. —, 101 S. Ct. 856 (1981) (crude oil contract); and *United States v. Winograd*, 565 F. 2d 279 (7th Cir. 1981), cert. denied sub nom. *Siegel v. United States*, — U.S. —, 102 S. Ct. 1612 (1982) (Mexican Peso contract).

Commission for an exemption from future reporting at the time it files a report pursuant to Rule 5.3. The Commission may grant such a petition, in whole or in part, for such time as it determines, if the petitioner demonstrates that it reasonably can be expected that use of the contract for hedging or price basing will continue for the foreseeable future at then current levels, and that adequate surveillance procedures have been established.

Commentators suggested that the uniform reporting level for all contract markets imposed an unnecessary burden because some commodities may be expected to trade at a lower level than others. In proposing the rule, the Commission had studied data which indicated that a reporting level based upon approximately 4,000 contracts per month would not be unduly burdensome on contract markets in view of the purposes of this rule. Nevertheless, the Commission has reconsidered the issue of what level is most appropriate to trigger the low volume reporting level. Upon further study, and in light of the comments submitted, the Commission believes that a reporting level based upon a volume of 1,000 contracts a month is appropriate at this time.

This determination is based upon an examination of data from the Commission's large trader reporting system for sample periods from the past six years concerning reported hedging positions in contracts which were trading at various minimum volumes. This data indicated that for contracts trading at a reporting level based upon 1,000 contracts a month, the Commission's large trader reporting system is most clearly deficient in terms of ascertaining actual commercial use of the markets. However, the Commission notes that based upon its review of the information received under this rule, it may propose amendments to the level in the future. In light of the lower reporting level which is being adopted, the Commission believes that no differentiation in the levels between commodities is necessary. Of course, individual contract markets which fall below the level as adopted and believe that the level is unreasonably high in that particular instance, may petition the Commission, as discussed above, to waive the reporting requirement.

With respect to the specific evidence which must be reported under Commission Rule 5.3 demonstrating use of the contract by commercials for hedging, the Commission has determined to modify Rule 5.3 as proposed, to provide that the contract market may submit statistical data

gathered from a wider number of possible sources. As proposed, Rule 5.3 required contract markets to fully enumerate commercial interests using the contract on selected dates or to submit statistics concerning the positions of reportable traders from the Commission's Commitments of Traders Booklet. However, upon further consideration, the Commission believes that data demonstrating that a contract is used for hedging or pricing on more than an occasional basis may be available from additional sources or by means other than those provided for in the proposed rule. For instance, a contract market may be able to demonstrate substantive commercial hedging by reference to owners of larger positions, rather than to the total population of commercial accounts. Accordingly, the Commission has amended Rule 5.3 to permit contract markets to submit any statistical evidence gathered from a compilation similar to the Commission's Commitments of Large Traders Booklet or other pertinent information which tends to demonstrate the use of the contract by commercial interests for hedging.

One commentator questioned the requirement that reports identifying commercial participants be for three month-end business days. The Commission believed that the statistical information requested would be most readily available from futures commission merchants, or others, at month-end. However, under the rule as adopted, if reporting contract markets would prefer to use some other days on which to base the report they may do so, providing the days selected are at intervals of approximately one month and fall within the last four months of the low volume period for which reports are being filed.

3. Other Considerations

As with the proposed rule on dormant contracts, several commentators suggested that the one year grace period provided by the rule before a contract could be classified as inactive was insufficient to provide conclusive data concerning its ultimate commercial usage. Accordingly, these commentators contended that such data would not be meaningful. The Commission has amended the proposed rule to provide that no low volume contract market shall be required to file reports for a three year period following designation by the Commission. As with dormant contracts, the Commission believes that a longer period may be necessary in some cases before meaningful

experience concerning commercial usage can be established.

In addition, as with Rule 5.2 for dormant contracts, the Commission has also modified the exemption period in proposed Rule 5.3 to provide that no contract shall be required to file low volume reports during the first thirty-six months following Commission approval of the listing of additional trading months pursuant to the dormant contract rule, Rule 5.2, or in the Commission's discretion, for thirty-six months following review of the economic purpose and the terms and conditions of the contract. As noted above, resumption of trading under Rule 5.2, requires that a dormant contract will likely serve an economic purpose.¹⁶

III. Section 15 Considerations

Finally, one commentator objected that Commission Rules 5.2 and 5.3 had an anticompetitive effect and thereby violated Section 15 of the Act because they did not provide for a reduced reporting requirement on the smaller exchanges. This commentator opined that other, smaller exchanges would be unable to foster the development of new contracts or to resume trading in dormant contracts as readily as would larger exchanges.

The Commission recognizes that smaller exchanges may have available to them fewer resources for development of new contracts. Although exchanges may have differing levels of available resources, all must meet certain self-regulatory responsibilities. The Act requires that all contract markets must serve an economic purpose and that their terms remain in conformity with the cash markets. Thus, in adopting these rules, the Commission has considered the public interest to be protected by the antitrust laws and has endeavored to take the least anticompetitive means of achieving the

¹⁶ Under the exemption provision of Commission Rule 5.3(c) newly designated contract markets as well as dormant contracts which have been approved for trading and contracts granted an exemption following Commission review of the contract are not required to file low volume trading reports for a period of thirty-six months. The Commission thereby intends to provide a period during which new contracts have an opportunity to build trading volume free from the low volume reporting requirement. Accordingly, under the exemption, contract markets which are "low volume" at the expiration of the exemption period must file a low volume report for only that low volume trading period which immediately preceded the expiration of the reporting exemption. Similarly, the obligation of a contract market under Commission Rule 5.2 to obtain Commission approval before listing additional trading months begins at the expiration of the exemption period; if, at that time, the contract market is "dormant" as defined in the rule.

objectives of the Act. See, Section 15 of the Act, 7 U.S.C. 19 (1976).¹⁷

List of Subjects in 17 CFR Part 5

Contract markets, Dormant contract markets, Low volume contract markets, Low volume periods, Reporting requirement, Trading month.

Accordingly, pursuant to the authority in Sections 5, 5a, 6 and 8a(5) of the Commodity Exchange Act, as amended, 7 U.S.C. 7, 7a, 8 and 12a(5) (1976 and Supp. IV 1980), the Commission is adopting new §§ 5.2 and 5.3 and is adding Part 5 to its regulations as follows:

PART 5—DESIGNATION OF AND CONTINUING COMPLIANCE BY CONTRACT MARKETS

Sec.

5.2 Dormant contract.

5.3 Low volume contract.

Authority: Secs. 5, 5a, 6 and 8a(5) of the Commodity Exchange Act, as amended, 7 U.S.C. 7, 7a, 8 and 12a(5) (1976 and Supp. IV 1980).

§ 5.2 Dormant Contracts.

(a) *Definitions.* For the purpose of this section the term "dormant contract" means any commodity futures contract; (1) in which no trading has occurred in any future listed for trading for a period of six complete calendar months; or (2) which has been certified by a contract market to the Commission to be a dormant contract.

(b) *Listing of Additional Trading Months.* Once a futures contract becomes a "dormant contract," no contract market may list or permit trading to recommence in such a dormant contract for additional trading months until such time as the Commission approves, pursuant to Section 5a(12) of the Act and § 1.41(b) of these regulations, the bylaw, rule, regulation or resolution of the contract market submitted to the Commission pursuant to paragraph (c) of this section.

(c) *Bylaw, rule, regulation or resolution to list additional trading months:* (1) Any bylaw, rule, regulation or resolution of a contract market to list additional trading months in a dormant

contract or to otherwise recommence trading in such a contract shall be submitted to the Commission under Section 5a(12) of the Act and § 1.41(b) of these regulations. The Commission shall approve such bylaw, rule, regulation or resolution, within thirty days of receipt, unless the Commission: (i) advises the contract market that specified information is required to complete its review; or (ii) notifies the contract market that the Commission's review may take longer than thirty days; or (iii) determines that the bylaw, rule, regulation or resolution is one of major economic significance pursuant to Section 5a(12) of the Act and publishes it for comment in the Federal Register.

(2) Each submission shall include the information required to be submitted pursuant to § 1.41(b) of these regulations, and also shall:

(i) Clearly designate the submission as filed pursuant to Commission Rule 5.2.

(ii) Contain an economic justification for the listing of additional months in the dormant contract, which shall include an explanation of those economic conditions which have changed subsequent to the time the contract became dormant and an explanation of how any new terms and conditions which are now being proposed by the contract market would make it reasonable to expect that the contract will be used on more than an occasional basis for hedging or price basing.

(d) *Exemptions.* No contract shall be considered dormant until the end of thirty-six (36) complete calendar months: (1) following designation; or (2) following notice to the contract market that the Commission has reviewed the economic purpose and the terms and conditions of the contract and has determined in its discretion to permit this exemption; or (3) following Commission approval of the contract market bylaw, rule, regulation, or resolution submitted pursuant to paragraph (c) of this section.

§ 5.3 Low volume contracts.

(a) *Definitions.* For purposes of this section:

(1) The term "low volume contract" means any commodity futures contract in which the trading volume in all futures listed for trading falls below 1,000 contracts per calendar month during at least four of any six consecutive calendar months.

(2) The term "low volume trading period" means any period of six

consecutive calendar months during which time the monthly contract volume in all futures listed for trading falls below 1,000 contracts during at least four of such calendar months. Unless otherwise provided by the Commission, by notice to the contract market, the "low volume trading period" shall not include any of the calendar months within a prior low volume trading period. The initial low volume period for existing contracts will begin to be calculated on [90 days after publication].

(b) *Submission of report on low volume contract to the Commission.* For every low volume contract, a contract market shall file with the Commission within the time specified in subsection (d) of this regulation, a report which includes the following:

(1) For the last three consecutive months during the low volume trading period, the proportion of trading during the low-volume trading period which represents the trading of floor brokers and traders as follows:

(i) Trading for their own account or accounts which they control.

(ii) Trading for their clearing members' house accounts.

(iii) Trading for any other type of account.

(2) For each of the last three month-end business days during the low volume period or any other three days during the last four months of the low volume period which are at intervals of approximately one month: (i) the identification of commercial participants holding open positions, a description of the commodity commitment or other price risk, if any, those participants are hedging, and a listing of each such participant's positions in individual futures on those dates; or (ii) other relevant statistical evidence which demonstrates that the contract is being used by commercial participants for hedging.

(3) A brief statement explaining additional surveillance procedures, if any, which the contract market has instituted to monitor trade practices in the low volume contract. One copy of this report shall be furnished to the Commission at its Washington, D.C. headquarters.

(c) *Exemptions from reporting requirement.* (1) Reports under paragraph (b) of this section shall not be required until the end of thirty-six (36) complete calendar months: (i) following designation; (ii) following notice to the contract market that the Commission

¹⁷The Commission further finds that because Rules 5.2 and 5.3 were proposed prior to the effective date of the Regulatory Flexibility Act, Pub. L. 96-354, 948 Stat. 1164 *et seq.*, the provisions of that Act are not applicable to this rulemaking proceeding. Nevertheless, it is clear that even if the Regulatory Flexibility Act were applicable, these rules would not have an impact on "small entities" under the Commission's definition of that term. See, 47 FR 18618 (April 30, 1982).

has reviewed the economic purpose and the terms and conditions of the contract and has determined in its discretion to permit this exemption; or (iii) following Commission approval of a contract market bylaw, rule, regulation or resolution submitted pursuant to paragraph (c) of § 5.2 of these regulations.

(2) Reports under paragraph (b) of this section shall not be required in whole or in part, for a period and/or level to be determined by the Commission in its discretion, upon a showing that past reports demonstrate that commercial participation is sufficient to establish that the contract market continues to serve an economic purpose, that commercial participation is expected to remain at the levels indicated in the prior reports, and that surveillance methods are in place to adequately monitor the market. Petitions to the Commission for such an exemption must be filed as part of a report required under paragraph (b) of this section.

(3) A report required under paragraph (b) of this section shall not be required if during a low volume period a contract is dormant as defined in § 5.2(a) of these regulations.

(d) *Time for Filing.* Contract markets are required to file reports required under paragraph (b) within 30 days of the end of the relevant low volume trading period. Unless provided otherwise by notice to the contract market, subsequent low volume trading periods will begin immediately following the end of a previous low volume trading period.

Issued in Washington, D.C., on June 30, 1982, by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 82-18357 Filed 7-6-82; 8:45 am]

BILLING CODE 6351-01-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 193

[FAP 1H5314/T91; PH-FRL 2148-1]

Tolerances for Pesticides in Food; Metalaxyl

Correction

In FR Doc. 82-16206, appearing at page 25950 in the issue of Wednesday, June 16, 1982, in column one on page 25951, the fifth line from the top should read, "humans is 0.00625 mg/kg/day."

BILLING CODE 1505-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 200

[Docket No. R-82-993]

Minimum Property Standards; Provisions

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This final rule revises 24 CFR Part 200 to delete the Appendix to Part 200, Subpart S, because the references to the Material Standards, Accepted Engineering Practice Standards, Use of Materials Bulletins, and Special Tests and Miscellaneous Standards contained in the Appendix are frequently revised and are difficult to keep up-to-date in regulatory form as part of the CFR.

EFFECTIVE DATE: August 11, 1982.

FOR FURTHER INFORMATION CONTACT: Richard A. Atwell, Construction Standards Division, Office of Manufactured Housing and Construction Standards, Room 6170, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, (202) 755-6590. This is not a toll free number.

SUPPLEMENTARY INFORMATION:

Documents on construction materials, products, and methods such as those presently referenced in the Appendix to Part 200, Subpart S are frequently revised and updated. It is difficult to maintain in rule form a current listing of these documents under Part 200, Subpart S. Therefore, HUD is deleting the Appendix. However, the references listed in the Appendix are incorporated by reference as indicated in the section entitled "Material Approved for Incorporation by Reference", which appears at the end of the CFR volume containing 24 CFR, Chapter II. This rule also amends 24 CFR 200.929(a) to delete any reference to the Appendix which is being deleted.

Pursuant to 1 CFR 51.13(c), each agency is required to submit annually to the Federal Register, 30 days before the revision date of its CFR title, a list of material to be incorporated by reference in the CFR and the date of its last revision. A list of Material Standards, Accepted Engineering Practice Standards, Use of Materials Bulletins, and Special Tests and Miscellaneous Standards was published in the Federal Register on March 31, 1982 and will continue to be published on an annual basis in general notice form. In addition,

the list of Material Standards, Accepted Engineering Practice Standards, and Use of Materials Bulletins is available for public inspection, and copies of the list may be obtained from the Construction Standards Division at the above address in person or by mail.

The subject matter of this rulemaking action relates to loans and grants and is therefore exempt from the notice and public comment requirements of section 553 of the Administrative Procedure Act. As a matter of policy, the Department submits many rulemaking actions dealing with such subject matter to public comment, either before or after effectiveness of the action, notwithstanding the statutory exemption.

The Secretary has determined that notice and prior public procedure are unnecessary and contrary to the public interest and that good cause exists for making this rule effective as soon after publication as possible because the list of documents contained in the Appendix being deleted by the rule will be published annually in the Federal Register and the public will have easy access to the list during the remainder of the year.

This rule does not constitute a "major rule" as that term is defined in Section 1(b) of Executive Order 12291 on Federal Regulation issued by the President on February 17, 1981. Analysis of the rule indicates that it does not: (1) have an annual effect on the economy of \$100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement Section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of General Counsel, Room 10278, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410.

Pursuant to the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule does not have a significant

economic impact on a substantial number of small entities.

This rule was listed as item C) 1. (H-11-81) under the Office of Housing in the Department's Semiannual Agenda of Regulations published on August 17, 1981 (46 FR 41708) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

List of Subjects in 24 CFR Part 200

Administrative practice and procedure, Claims, Equal employment opportunity, Fair housing, Housing standards, Loan programs: housing and community development, Mortgage insurance, Organization and functions (Government agencies), Reporting and recordkeeping requirements, Minimum Property Standards.

Accordingly, Title 24 Part 200 is amended by (1) removing the Appendix to Subpart S and (2) amending paragraph (a) of 24 CFR 200.929 to read as follows:

§ 200.929 Description and identification of minimum property standards.

(a) *Description.* The Minimum Property Standards describe physical standards for housing. They are intended to provide a sound basis for determining the acceptability of housing built under the HUD mortgage insurance and low-rent public housing programs. The Minimum Property Standards refer to material standards developed by industry and accepted by HUD. In addition, under Section 521 of the National Housing Act, HUD adopts its own technical suitability standards for materials and products for which there are no industry standards acceptable to HUD. These standards are contained in Use of Materials Bulletins that apply to products and methods and Materials Releases that apply to specific materials. Use of Materials Bulletins and Materials Releases are addenda to the Minimum Property Standards. Unless otherwise stated, the current edition, issue, or version of each of these documents, as available from its source, is applicable to this Subpart S. A list of the Use of Materials Bulletins, Materials Releases, and MPS Appendix listing the applicable referenced Standards may be obtained from the Construction Standards Division, Office of Manufactured Housing and Construction Standards, Room 6170 Department of Housing and Urban Development, 451 7th Street, SW, Washington, DC 20410.

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

Dated: June 29, 1982.

Philip Abrams,
General Deputy Assistant Secretary for
Housing—Deputy Federal Housing
Commissioner.

[FR Doc. 82-18288 Filed 7-6-82; 8:45 am]

BILLING CODE 4210-27-M

24 CFR Parts 203, 204, 213, 220, 221, 234 and 235

[Docket No. R-82-795]

Mortgage Insurance; Elimination of Single Family Application Fee

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This action finalizes the interim rule which eliminated the application fees being charged by the Department on single family applications for mortgage insurance. The elimination of commitment extension fees is also being finalized. In lieu of the Department collecting such application fees, these regulations permit the mortgagee to collect an appraisal fee and inspection fee, if required. The lender pays the fee personnel directly. Such changes enable the Department to eliminate numerous application fee billing with a resultant substantial decrease in costs.

EFFECTIVE DATE: August 12, 1982.

FOR FURTHER INFORMATION CONTACT: John J. Coonts, Director, Single Family Development Division, Department of Housing and Urban Development, Room 9270, 451 Seventh Street SW., Washington, D.C. 20410, (202) 755-6720 (this is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On May 8, 1980, an interim rule was published at 45 FR 30602 which eliminated the collection of application and commitment extension fees and the payment of fee appraisers and inspectors. Previously, the Department charged the mortgagee an application fee to cover the cost of processing. When an application was received and a fee appraiser made the appraisal or a fee inspector made an inspection, if required, the Department paid these individuals directly for their services. By eliminating HUD's collection of an application fee and HUD's payments to the appraisers and inspectors and adopting a procedure whereby mortgagees make direct payment to the fee appraisers and inspectors on

individual cases, HUD substantially reduced the number of application fee billings and payments to these fee personnel. Such a reduction in administrative requirements resulted in substantial cost savings to the Department.

To accommodate this procedure, the Department published an interim rule which:

1. Eliminated the payment of application and commitment extension fees by mortgagees for single family properties.

2. Permitted the mortgagee to collect appraisal and inspection fees, if required, from mortgagors.

3. Limited mortgagee collection of appraisal and inspection fees, credit report fees, etc., to the amount actually paid.

At the time the Department published the interim rule, it solicited public comment on the changes. None were received. However, it is necessary to make one editorial change to the Interim Rule as it appeared on May 8, 1980. On May 21, 1980, shortly after publication of the interim rule, the Department adopted a final rule which, among other things, deleted §§ 203.51 through 203.102. Therefore, the changes to § 203.100 effected by the May 8, 1980 Interim Rule no longer apply and reference to § 203.100 has been omitted from the present rule.

This rule does not constitute a "major rule" as that term is defined in Section 1(b) of the Executive Order 12291 on Federal Regulation issued on February 17, 1981. Analysis of the rule indicates that it does not: (1) Have an annual effect on the economy of \$100 million or more; (2) cause a major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50 which implement section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection and copying during regular business hours in the Office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and

Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

Pursuant to the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the undersigned hereby certifies that this rule would not have a significant economic impact on a substantial number of small entities.

This rule was listed as item B) 24. H-41-79 under the Office of Housing in the Department's Semiannual Agenda of Regulations, published on August 17, 1981 (46 FR 41708) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

The following numbers identify the programs, as listed in the Catalog of Federal Domestic Assistance, affected by the regulation changes.

- Section 203(b)=14.117 Mortgage Insurance—Homes (F); 14.118 Mortgage Insurance—Homes for Certified Veterans (F)
- Section 213=14.126 Mortgage Insurance—Management Type Cooperative Projects (F)
- Section 220=14.122 Mortgage Insurance—Homes in Urban Renewal Areas (F)
- Section 221(d)(2)=14.120 Mortgage Insurance—Homes for Low and Moderate Income Families (F)
- Section 222=14.166 Mortgage Insurance—Servicemen (F)
- Section 234(c)=14.133 Mortgage Insurance—Purchase of Units in Condominiums (F)
- Section 235=14.105 Interest Reduction—Homes for Lower Income Families (C,F)
- Section 240=14.130 Mortgage Insurance—Purchase by Homeowners of the Fee Simple Title by Lessors (F)
- Section 244=14.161 Single Family Mortgage Coinsurance (F)
- Section 245(a) and 245(b)=14.159 Section 245 Graduated Payment Mortgage Program (F)
- Section 809=14.167 Mortgage Insurance—Armed Services Housing—Impacted Areas (F)

List of Subjects

24 CFR Part 203

Home improvement, Loan programs—housing and community development, Mortgage insurance, Solar energy.

24 CFR Part 204

Mortgage insurance.

24 CFR Part 213

Mortgage insurance, Cooperatives.

24 CFR Part 220

Home improvement, Mortgage insurance, Urban renewal, Rental housing, Loan programs—housing and community development, Projects.

24 CFR Part 221

Condominiums, Low and moderate income housing, Mortgage insurance, Displaced families, Single family housing, Projects, Cooperatives.

24 CFR Part 234

Condominiums, Mortgage insurance, Homeownership, Projects, Units.

24 CFR Part 235

Condominiums, Cooperatives, Low and moderate income housing, Mortgage insurance, Homeownership, Grant programs: housing and community development.

Accordingly, the interim amendment to 24 CFR Parts 203, 204, 213, 220, 221, 234 and 235 published May 8, 1980 (45 FR 30602), is hereby adopted as final, as amended by removal of § 203.100 on May 21, 1980 (45 FR 33964 at 33967).

(Sec. 211 of the National Housing Act (12 U.S.C. 1709, 1715))

Dated: June 29, 1982.

Philip Abrams,

General Deputy Assistant Secretary—Deputy Federal Housing Commissioner.

[FR Doc. 82-16368 Filed 7-6-82; 8:45 am]

BILLING CODE 4210-27-M

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

29 CFR Part 2200

Simplified Proceedings

AGENCY: Occupational Safety and Health Review Commission.

ACTION: Amendment of rules for simplified proceedings.

SUMMARY: On October 23, 1981, the Occupational Safety and Health Review Commission ("Review Commission") requested public comments on its rules for simplified proceedings. 46 FR 51933-51935 (Oct. 23, 1981). These rules are codified at 29 CFR 2200.200-2200.211. Based upon its experience with the rules for simplified proceedings and comments submitted by interested parties, the Review Commission now amends these rules to provide simplified procedures for resolving contests under the Occupational Safety and Health Act of 1970, so that parties before the Commission may save time and expense while preserving fundamental procedural fairness.

DATE: The amendments to the rules for simplified proceedings shall become effective on August 6, 1982.

FOR FURTHER INFORMATION CONTACT: E. Ross Buckley, General Counsel, 1825 K Street, NW., Washington, D.C. 20006; telephone (202) 634-4015.

SUPPLEMENTARY INFORMATION: The Review Commission requested comments from interested parties on the overall effectiveness of the simplified proceedings rules in terms of time

saved, costs avoided and ease in trying cases. Comments were also requested on certain provisions of the rules. Written comments were received from a number of interested persons and organizations including corporations, attorneys in private practice, and the Solicitor of the Department of Labor. Based upon its experience in applying the rules and a largely favorable response from the comments received, the Commission adopted its interim simplified proceedings rules as final rules in order to insure that permanent rules on simplified proceedings were in place before the interim rules expired on December 31, 1981. (46 FR 63041-63042 Dec. 30, 1981). However, the Commission noted at that time that it was considering some amendment to the rules in light of the public comments. The Commission now adopts such amendments. The comments received and the amendments adopted are discussed in the following summary:

Section 2201.201—Application (Amended)

Section 2200.201 is amended by the addition of a new clause, labeled (d). This clause is added to conform with a new provision at § 2200.204, entitled, "Discontinuance of simplified proceedings." Under § 2201.201(d), once simplified proceedings have been instituted, the rules governing such proceedings will be applied when "simplified proceedings are not discontinued pursuant to § 2200.204."

Section 2200.202—Eligibility for Simplified Proceedings

Section 2200.202 is not amended. Section 2200.202 provides that a case is eligible for simplified proceedings unless it concerns an alleged violation of section 5(a)(1) of the Occupational Safety and Health Act of 1970 or an alleged failure to comply with one of the standards listed in table A of § 2200.202. The Review Commission requested comments on whether § 2200.202 should be amended so that cases involving violation of section 5(a)(1) or the standards listed in table A would be eligible for simplified proceedings. The Review Commission also solicited comments on whether table A should be expanded to include standards other than those presently listed.

The comments addressing this issue generally opposed making cases involving § 5(a)(1) or the standards listed in table A eligible for simplified proceedings because of the difficulty inherent in litigating complex cases under the rules for simplified proceedings. One comment stated that

§ 2200.202 in its present form protects *pro se* employers who may not appreciate the significance of a request for simplified proceedings and the rights they relinquish if they do not object. Comments also indicated that, as long as parties retain the right to object to simplified proceedings under § 2200.203, it is not necessary to enlarge table A to increase the number of standards for which simplified proceedings are precluded. These comments comport with the Review Commission's determination that § 2200.202, in its present form, properly limits the eligibility of cases for simplified proceedings. Accordingly, § 2200.202 is not amended.

Section 2200.203—Commencing Simplified Proceedings (Amended)

Section 2200.203(b)(4) provides that the filing of a timely objection shall preclude the institution of simplified proceedings. The Review Commission requested comments on whether § 2200.203(b)(4) should be amended to eliminate parties' rights to object to simplified proceedings once requested by another party. Comments were also requested on whether to allow a party to withdraw from simplified proceedings and litigate under the Review Commission's conventional rules of procedure.

Virtually all of the comments opposed the elimination of a party's right to object to simplified proceedings. According to the comments, such an amendment would allow one party to invoke unilaterally simplified proceedings over the objection of another party to the possible detriment of the objecting party's procedural rights. One comment urged that an objecting party be required to state a reason for its objection. Such a requirement would be likely to lead to litigation over the validity of the reasons given and delay the progress of cases. Having considered these comments the Review Commission has concluded that an amendment of § 2200.203(b)(4) is not warranted.

Comments on whether the rules should be amended to allow a party to discontinue simplified proceedings, once instituted, were almost all favorable. The Review Commission agrees with this view and is amending the rules to allow for the discontinuance of simplified proceedings prior to commencement of the hearing. This amendment, which is discussed below, is set forth at § 2200.204 and is entitled, "Discontinuance of simplified proceedings."

Amendments are being made to two provisions of § 2200.203 for which no

comments were solicited. The Review Commission has noted that confusion sometimes arises with respect to service of requests for simplified proceedings and with respect to the time for filing a complaint or answer when simplified proceedings have been requested but the period for filing an objection has not expired. To clarify the provision concerning service, § 2200.203(a)(3) is amended to provide that a request for simplified proceedings should be served on the Secretary of Labor's regional solicitor named in the notice of docketing. Also, § 2200.203(a)(3) as amended expressly sets forth the service requirements for a request for simplified proceedings so that reference to § 2200.7 of the conventional rules is not necessary. Section 2200.203(b)(3) is similarly amended to require the same manner of service for objections to requests for simplified proceedings.

To clarify the time for filing a complaint or answer when simplified proceedings are requested, a new paragraph (d), entitled, "Time for filing a complaint or answer under § 2200.33," is added to § 2200.203. Section 2200.203(d) provides that the time for filing a complaint or answer will not run if a request for simplified proceedings is filed. If the Review Commission denies the request for simplified proceedings, the parties will receive notice that the case is to proceed under the conventional rules. Under § 2200.203(d), the period for filing a complaint or answer shall begin upon receipt of this notice.

Section 2200.204—Discontinuance of Simplified Proceedings (New)

A new provision is inserted in the simplified proceedings rules at § 2200.204, and former § 2200.204 and subsequent sections are renumbered accordingly. New § 2200.204 provides that, upon motion by a party prior to the commencement of the hearing, simplified proceedings will be discontinued if all parties consent or if sufficient reason is shown for applying conventional rules to the case. Although a party is not required to provide a reason for objecting to the initiation of simplified proceedings under § 2200.203(b)(4), the Commission considers it appropriate to require a moving party to provide a sufficient reason for discontinuing simplified proceedings once underway (unless all parties agree to the discontinuance) because discontinuance may be disruptive to the parties and the judge.

Under § 2200.204, the judge will determine whether "sufficient reason" has been established on a case by case basis. The Review Commission would

find that "sufficient reason" for discontinuing simplified proceedings is shown, for example, when a party establishes that discovery permitted under the rules for simplified proceedings is inadequate to prepare its case. If it is clear that discontinuance of simplified proceedings is sought only to delay progress of the case, the request for discontinuance should be denied. If a case has progressed beyond the pleading stage when simplified proceedings are discontinued, a complaint and answer may not be necessary. Therefore, § 2200.204 provides that if a motion to discontinue simplified proceedings is granted, the parties shall not file a complaint or answer unless ordered to do so by the judge.

Section 2200.205—Filing of Pleadings (Amended)

As indicated above, § 2200.204. "Filing of Pleadings," is renumbered as § 2200.205. Paragraph (a) of § 2200.205 is amended to delete the provision that a complaint or answer, if filed, not be included in the record. Although no comments were requested on § 2200.205(a), the Review Commission decided to adopt this amendment in light of its experience in applying this section of the rules.

Section 2200.205(b) is not amended. This section provides that the filing of motions and similar documents in simplified proceedings should be as limited as possible. Under this section, a motion will not be viewed favorably if the subject of the motion has not been discussed among the parties prior to the conference/hearing. The Review Commission solicited comments on whether this section was effective in reducing the number of motions and what modifications would be appropriate to better achieve this purpose. Comments were also requested on whether this section should be amended to include a specific provision concerning amendments to the citation.

Responses to the Review Commission's request for comments on these questions was limited. One party suggested that a rule limiting motions should be adopted in all Review Commission proceedings. The Solicitor of Labor stated that he was unable to determine if the number of motions has been reduced in simplified proceedings. He also stated that he would litigate more cases under the rules for simplified proceedings if the rules were revised to allow amendments to the citation.

The comments did not suggest any revision to § 2200.205(b), and the Review Commission has determined that

amendment of this section is not warranted. The Review Commission also notes that § 2200.205(b) in its current form does not bar amendments to citations.

Section 2200.207—Conference/Hearing (Amended)

Section 2200.207(a), as renumbered, provides that the judge shall schedule and preside over a conference/hearing which shall be divided into two segments: a conference and a hearing. A second sentence is added to § 2200.207(a) providing that the judge may schedule the hearing to occur one or more days after the conference if, in his discretion, he determines that such a schedule would result in more practical or efficient case disposition. Although the Review Commission requested no comment on § 2200.207(a), this amendment is intended simply to clarify that this rule does not require that the hearing begin immediately after, or even on the same day as, the conference. However, the Commission intends that the conference and hearing not be separated without good reason and that in most cases hearings will continue to be held at the conclusion of the conference.

Section 2200.210—Discovery

Section 2200.210, as renumbered, provides that discovery shall not be allowed in simplified proceedings except by order of the judge. The Review Commission invited comments on whether this section should be expanded to allow requests for admissions or production of documents without obtaining leave from the judge. Virtually all of the comments that addressed this issue opposed expansion of discovery and favored retention of the existing rule. One party, however, favored expansion of discovery in simplified proceedings through the adoption of the Federal Rules of Civil Procedure. The Review Commission concurs with the majority of the comments on this issue and therefore has decided not to amend § 2200.210.

Technical changes

The word order of the third sentence of § 2200.200(b) is revised so that the sentence states that pleadings generally are not "required or permitted." Also, the parenthetical at the end of § 2200.209(b), as renumbered, is changed to reference subparts F and G of the conventional rules, because these are the subparts that apply once a judge's decision is issued.

List of subjects in 29 CFR Part 2200

Administrative practice and procedure, Simplified proceedings.

Amendment of Rules

Under the authority of section 12(g) of the Occupational Safety and Health Act of 1970, 29 U.S.C. 661(f), and for the reasons set forth above, the Occupational Safety and Health Review Commission amends the rules for simplified proceedings, contained in Subpart M, 29 CFR Part 2200. The rules for simplified proceedings, as revised, provide as follows:

PART 2200—RULES OF PROCEDURE

* * * * *

Subpart M—Simplified Proceedings

Sec.	Purpose.
2200.200	Purpose.
2200.201	Application.
2200.202	Eligibility for simplified proceedings.
2200.203	Commencing simplified proceedings.
2200.204	Discontinuance of simplified proceedings.
2200.205	Filing of pleadings.
2200.206	Discussion among parties.
2200.207	Conference/Hearing.
2200.208	Reporter present; transcripts.
2200.209	Decision of the Judge.
2200.210	Discovery.
2200.211	Interlocutory appeals not permitted.
2200.212	Applicability of Subparts A through G.

Authority: Sec. 12(g) of the Occupational and Health Act of 1970, 29 U.S.C. 661(f).

Subpart M—Simplified Proceedings

§ 2200.200 Purpose.

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

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

§ 2200.201 Application.

The rules in this subpart shall govern proceedings before an Administrative Law Judge when (a) the case is eligible for simplified proceedings under § 2200.202, (b) any party requests simplified proceedings, (c) no party files an objection to the request, and (d) simplified proceedings are not discontinued pursuant to § 2200.204.

§ 2200.202 Eligibility for simplified proceedings.

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

Table A

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

§ 1910.94	§ 1910.96
§ 1910.95	§ 1910.97

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

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

§ 2200.203 Commencing simplified proceedings.

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

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

(3) *How to request.* A simple statement is all that is necessary. For example, "I request simplified proceedings" will suffice. The request shall be filed with the Executive Secretary and served on all of the following: (i) the employer, (ii) the Secretary of Labor, and, (iii) any authorized employee representatives. The request also shall be posted for the benefit of any unrepresented affected employees. (To serve the Secretary of Labor, the request should be mailed to the regional solicitor named in the notice of docketing.)

(4) *Effect of the request.* For those cases eligible under § 2200.202, simplified proceedings are in effect when any party requests simplified

proceedings and no party files a timely objection to the request.

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

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

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

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

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

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

(d) *Time for filing complaint or answer under § 2200.33.* The time for filing a complaint or answer shall not run if a request for simplified proceedings is filed. If the Commission later notifies the parties under § 2200.203(c) that the case is to continue under conventional procedures, the period for filing a complaint or answer shall begin upon receipt of the notice.

§ 2200.204 Discontinuance of simplified proceedings.

At any time prior to the commencement of the hearing, a party may move to discontinue application of the simplified proceeding rules to the case. The motion shall be granted if all parties consent or if sufficient reason is shown for application of the conventional rules to the case. If the motion is granted, the parties shall not file a complaint or answer unless ordered to do so by the Judge.

§ 2200.205 Filing of pleadings.

(a) *Complaint and answer.* There shall be no complaint or answer in simplified proceedings. If the Secretary has filed a complaint under § 2200.33, a response to an employee contest under § 2200.35, or a response to a petition under § 2200.34, no response to these documents shall be required.

(b) *Motions.* A primary purpose of simplified proceedings is to eliminate, as much as possible, motions and similar documents. A motion will not be viewed

favorably if the subject of the motion has not been first discussed among the parties prior to the conference/hearing.

§ 2200.206 Discussion among parties.

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

§ 2200.207 Conference/Hearing.

(a) The Judge shall schedule and preside over a conference/hearing, which shall be divided into two segments: a conference and a hearing. The Judge may schedule the hearing to occur one or more days after the conference if, in his discretion, he determines that such a schedule would result in more practical or efficient case disposition.

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

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

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

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

§ 2200.208 Reporter present; transcripts.

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

§ 2200.209 Decision of the Judge.

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

(b) After the issuance of the Judge's decision, the case shall proceed in the

conventional manner (Subparts F and G).

§ 2200.210 Discovery.

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

§ 2200.211 Interlocutory appeals not permitted.

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

§ 2200.212 Applicability of Subparts A through G.

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

Signed this 29th day of June 1982.

Robert A. Rowland,

Chairman.

Timothy F. Cleary,

Commissioner.

Bertram Robert Cottine,

Commissioner.

[FR Doc. 82-18380 Filed 7-6-82; 8:45 am]

BILLING CODE 7600-01-M

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 535

Iranian Assets Control Regulations; Judicial Action Involving Standby Letters of Credit

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule.

SUMMARY: The Office of Foreign Assets Control is amending the Iranian Assets Control Regulations, by: (1) Revoking and withdrawing any and all licenses and authorizations for enjoining permanently, terminating or otherwise permanently disposing of any interest of Iran in any standby letter of credit or similar instrument by means of the entry of any final judicial judgment or order; and (2) making clear that section 535.222 is not a licensing provision and that standby letter of credit litigation is governed by § 535.201, as modified by the section 535.504 license for judicial proceedings.

The amendment is needed to facilitate the ongoing implementation of the Iran-U.S. agreements of January 19, 1981.

EFFECTIVE DATE: July 1, 1982.

FOR FURTHER INFORMATION CONTACT:

Raymond W. Konan, Chief Counsel,
Office of Foreign Assets Control,
Department of the Treasury,
Washington, D.C. 20220, tel. (202) 376-0236.

SUPPLEMENTARY INFORMATION: Iran has filed more than 200 claims with the Iran-United States Claims Tribunal (the "Tribunal") based on standby letters of credit issued for the account of United States parties. United States nationals have filed with the Tribunal a large number of claims related to, or based on, many of the same standby letters of credit at issue in Iran's claims. Other United States nationals have litigation pending in United States courts concerning some of these same letters of credit.

The purpose of the amendment is to preserve the status quo by continuing to allow U.S. account parties to obtain preliminary injunctions or other temporary relief to prevent payment on standby letters of credit, while prohibiting, for the time being, final judicial action permanently enjoining, nullifying or otherwise permanently disposing of such letters of credit.

Preservation of the status quo will provide an opportunity for negotiations with Iran regarding the status and disposition of these various letters of credit claims. Preservation of the status quo for a period of time also permits possible resolution in the context of the Tribunal of the matters pending before it. The amendment will expire by its terms on December 31, 1982.

Since the Regulations involve a foreign affairs function, the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, opportunity for public participation and delay in effective date, are inapplicable. Similarly, because the Regulations are issued with respect to a foreign affairs function of the United States, they are not subject to Executive Order 12291 of February 17, 1981, dealing with Federal regulations.

List of subjects in 31 CFR Part 535

Iran, Foreign assets control.

PART 535—IRANIAN ASSETS CONTROL REGULATIONS

31 CFR Part 535 is amended as follows:

Section 535.222 is amended by the revision of paragraph (g) to read as follows:

§ 535.222 Suspension of claims eligible for claims tribunal.

(g) Nothing in this section shall apply to any claim concerning the validity or payment of a standby letter of credit, performance or payment bond or other similar instrument. However, assertion of such a claim through judicial proceedings is governed by the general license in § 535.504.

Section 535.504 is amended by the addition of new paragraph (b)(3) as follows:

§ 535.504 Certain judicial proceedings with respect to property of Iran or Iranian entities.

(b) This section does not authorize:

(3)(i) Any final judicial judgment or order (A) permanently enjoining, (B) terminating or nullifying, or (C) otherwise permanently disposing of any interest of Iran in any standby letter of credit, performance bond or similar obligation. Any license authorizing such action is hereby revoked and withdrawn.

(ii) Nothing in this paragraph (b)(3) shall prohibit the assertion of any defense, set-off or counterclaim in any pending or subsequent judicial proceeding commenced by the Government of Iran, any political subdivision of Iran, or any agency, instrumentality or entity owned or controlled by the Government of Iran or any political subdivision thereof.

(iii) Nothing in this paragraph (b)(3) shall preclude the commencement of an action for the purpose of tolling the period of limitations for commencement of such action.

(iv) Nothing in this paragraph (b)(3) shall require dismissal of any action for want of prosecution.

(v) The provisions of this paragraph (b)(3) shall expire at 11:59 p.m., e.s.t., on December 31, 1982.

(Secs. 201-207, 91 Stat. 1626, 50 U.S.C. 1701-1706; E.O. No. 12170, 44 FR 65729; E.O. No. 12205, 45 FR 24099; E.O. No. 12211, 45 FR 26605; E.O. No. 12276, 46 FR 7913; E.O. No. 12278, 46 FR 7917, 46 FR 10895; E.O. No. 12279, 46 FR 7919; E.O. No. 12280, 46 FR 7921; E.O. No. 12281, 46 FR 7923; E.O. No. 12282, 46 FR 7926; and E.O. No. 12294, 46 FR 14111)

Dated: July 1, 1982.

Dennis M. O'Connell,

Director, Office of Foreign Assets Control.

Approved:

John M. Walker, Jr.,

Assistant Secretary (Enforcement and Operations).

[FR Doc. 82-18405 Filed 7-2-82; 9:06 am]

BILLING CODE 4810-25-M

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Docket RM 80-2]

Compulsory License for Cable System

AGENCY: Copyright Office, Library of Congress.

ACTION: Extension of comment period.

SUMMARY: This notice is issued to inform the public that the Copyright Office of the Library of Congress is extending until August 2, 1982, the period for public comment on the interim amendments to its regulations on the compulsory license for cable systems that were published in the *Federal Register* on May 20, 1982 (47 FR 21786). Although the National Cable Television Association, Inc., had requested a three-month extension for filing comments, the Copyright Office has concluded that a one-month extension should provide sufficient time for all of the interested parties to comment on the issues raised in this proceeding.

DATES: The interim regulations entered into effect on May 20, 1982. Comments on these regulations should be received in the Copyright Office on or before August 2, 1982.

ADDRESSES: Ten copies of written comments on the interim regulations should be addressed, if sent by mail, to: Library of Congress, Department D.S., Washington, D.C. 20540.

If delivered by hand, copies should be brought to: Office of the General Counsel, James Madison Memorial Building, Room 407, First and Independence Avenue, S.E., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Dorothy Schrader, General Counsel, U.S. Copyright Office, Library of Congress, Washington, D.C. 20559, (202) 287-8380.

SUPPLEMENTARY INFORMATION: On May 20, 1982, the Copyright Office adopted interim amendments to §§ 201.11 and 201.17, as amended on June 27, 1978 and July 3, 1980 respectively (47 FR 21786). These amendments were made in order

to take into account the decision of the Federal Communications Commission [FCC] to remove its rules and regulations limiting the carriage of distant signals by cable systems and requiring exclusivity protection for syndicated programming in certain cases. These FCC rule changes became effective on June 25, 1981. Since these amendments had an immediate impact on the filing requirements for cable systems under § 111 of the Copyright Act of 1976, the Copyright Office decided to make its amendments effective on an interim basis, pending a full public comment period. It was noted, however, that final regulations would only be issued after the close of the comment period which was set at July 1, 1982.

The Copyright Office received a formal request on June 8, 1982 on behalf of the National Cable Television Association, Inc. [NCTA], to extend the time for filing comments on the interim regulations on the compulsory license for cable systems until October 1, 1982. NCTA advanced two reasons in support of their request for an extension: "First, the delay will not likely cause harm to interested parties since the interim rules are already in place. Secondly, NCTA, and several other interested parties to this proceeding, are already actively engaged in a rate adjustment proceeding before the Copyright Royalty Tribunal (CRT)." See *Motion by the National Cable Television Association to Extend Time for Filing Comments*, RM 80-2, at 2 (June 8, 1982). In light of the current demands on their staff time, NCTA felt that the time was not adequate to participate effectively in the Copyright Office proceeding.

The Motion Picture Association of America, Inc. [MPAA] took issue with NCTA's request for an extension. They were of the opinion that NCTA was not justified in asking for any delay in this proceeding, let alone "the extraordinary three month delay" they were seeking. See *Opposition to Motion to Extend Time for Filing Comments and Further Request for Expedited Action*, RM 80-2 (June 11, 1982). MPAA urged the Copyright Office to expedite its consideration of the interim amendments as well as other matters concerning its regulations on the compulsory license for cable systems, and pointed out that it was also involved in the proceeding before the Copyright Royalty Tribunal. *Id.* at 2.

In the interest of allowing all parties sufficient time to formulate comments on its interim regulations, the Copyright

Office decided to extend the deadline for filing comments in this proceeding until August 2, 1982. The Copyright Office is persuaded that a longer period should not be allowed. As noted by MPAA in its opposition to the NCTA request for an extension, since the interim regulations are already in effect, it is desirable to complete the public comment process within a relatively brief time period.

(17 U.S.C. 111, 702)

Dated: June 24, 1982.

Michael R. Pew,
Associate Register of Copyrights.

Approved:

Daniel J. Boorstin,
The Librarian of Congress.

[FR Doc. 82-18353 Filed 7-6-82; 8:45 am]

BILLING CODE 1410-03-M

VETERANS ADMINISTRATION

38 CFR Part 3

Veterans Benefits; Persons Included as Having Served on Active Duty

AGENCY: Veterans Administration.

ACTION: Final regulation amendment.

SUMMARY: We have amended our regulation concerning persons who are included as having served on active duty. The need for this action results from a recent decision of the Secretary of the Air Force that the service of the members of the group known as Wake Island Defenders from Guam constitutes active military service in the Armed Forces of the United States for purposes of all laws administered by the Veterans Administration. The effect of this action is to confer veteran status for Veterans Administration benefit purposes on former members of this group who were discharged under honorable conditions.

EFFECTIVE DATE: This action is effective April 7, 1982, the date that the Secretary of the Air Force held that service in the group constitutes active duty.

FOR FURTHER INFORMATION CONTACT: Robert M. White (202-389-3005).

SUPPLEMENTARY INFORMATION: Pursuant to 38 CFR 1.12(b) the Veterans Administration finds that prior publication of these changes for public notice and comment is unnecessary, contrary to public interest and pointless. The Veterans Administration has no discretion in this matter. The decision of the Secretary of the Air Force concerning active duty status is binding on the Veterans Administration.

Consequently, a proposed notice will not be published. For this reason, these changes are also not subject to the Regulatory Flexibility Act, 5 U.S.C. 601-612, since they do not come within the term "rule" as defined in that Act.

In accordance with Executive Order 12291, Federal Regulation, we have determined that these regulation changes, in themselves, are non-major for the following reasons:

(1) They will not have an effect on the economy of \$100 million or more.

(2) They will not cause a major increase in costs or prices.

(3) They will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Handicapped, Health care, Pensions, Veterans, Veterans Administration.

There is no affected Catalog of Federal Domestic Assistance Program number.

Approved: June 23, 1982.

Robert P. Nimmo,
Administrator.

PART 3—ADJUDICATION

The Veterans Administration is amending 38 CFR Part 3 as follows:

In § 3.7(x), subparagraph (9) is added as follows:

§ 3.7 Persons included.

(x) *Active military service certified as such under section 401 of Pub. L. 95-202.* Such service if certified by the Secretary of Defense as active military service and if a discharge under honorable conditions is issued by the Secretary. The effective dates for an award based upon such service shall be as provided by § 3.400(z) and 38 U.S.C. 3010, except that in no event shall such an award be made effective earlier than November 23, 1977. Service in the following groups has been certified as active military service.

* * * * *

(9) Wake Island Defenders from Guam.

[FR Doc. 82-18352 Filed 7-6-82; 8:45 am]

BILLING CODE 8320-01-M

**ENVIRONMENTAL PROTECTION
AGENCY****40 CFR Part 52**

[A-3-FRL 2147-7]

**Approval and Promulgation of
Implementation Plans; Approval of
Revisions of the Maryland State
Implementation Plan****AGENCY:** Environmental Protection
Agency.**ACTION:** Final rule.

SUMMARY: EPA announces approval of revisions to the Maryland State Implementation Plan (SIP). These actions are based on the State's request to approve the revisions, which meet the requirements of the Clean Air Act. One revision consists of a construction permit for a new incinerator and the other revision consists of a minor change to the State's incinerator regulation.

EFFECTIVE DATE: This action will be effective September 7, 1982, unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of the revision and accompanying documents are available for inspection during normal business hours at the following offices.

U.S. Environmental Protection Agency,
Region III, Air Programs & Energy
Branch, Curtis Building, Tenth Floor,
Sixth & Walnut Streets, Philadelphia,
PA 19106, ATTN: Harold A. Frankford

Maryland Department of Health &
Mental Hygiene, Air Management
Administration, 201 W. Preston Street,
Baltimore, Maryland 21201, ATTN:
George P. Ferreri

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

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

All comments should be directed to:
Henry J. Sokolowski, P.E., Chief, MD-
DE-DC Metro Section (3AW12), Air
Programs & Energy Branch, U.S.
Environmental Protection Agency,
Region III, Curtis Building, Tenth Floor,
Sixth & Walnut Streets, Philadelphia, PA
19106, ATTN: AW039/040MD.

FOR FURTHER INFORMATION CONTACT:
Mr. Harold A. Frankford (3AW12), U.S.
Environmental Protection Agency,
Region III, Sixth & Walnut Streets,
Philadelphia, Pennsylvania 19106,
telephone 215/597-8392.

SUPPLEMENTARY INFORMATION:**I. Construction Permit for Southwest
Incinerator**

On December 22, 1981, the State of Maryland submitted to EPA a Secretarial Order regarding the proposed construction of a municipal incinerator in Baltimore City. The incinerator, as proposed, will have a capacity of 2,010 tons of refuse per day and will consist of three separate water/wall furnaces, each equipped with electrostatic precipitators exhausted into a common stack. The proposed construction site is located in a nonattainment area for total suspended particulates (TSP). Since the particulate matter emissions from all sources to be constructed on the site will exceed fifty (50) tons per year, the State considers this source to be a New Source in a Nonattainment Area (NSINA) subject to Maryland's NSINA requirements.

In order for a new source to be constructed in a nonattainment area for particulate matter, COMAR 10.18.06.11, which is part of the Maryland State Implementation plan, requires the following legally enforceable conditions to be met:

1. The source must meet the lowest achievable emission rate (LAER) for that source or group of sources.

2. All major sources owned or operated by the person who seeks the construction permit must be in compliance with all federal and State emission requirements.

3. Emissions from any existing source or group of sources in the area of the proposed sources must be reduced such that the total emissions from both the new source and existing source are less than the allowable emissions at the time of the permit application so as to represent reasonable further progress toward attainment of the particulate standards.

4. Air quality levels in the affected area improve due to the overall emission reductions from the source's location.

The State Order calls for an offset equal to 110 percent of the emissions from the proposed incinerator. These emissions offsets are to be obtained from the closure of both the Baltimore Pyrolysis Plant and the Pennington Avenue Landfill. According to the State, the constructed sources are expected to emit 121.0 tons per year of particulates, whereas the pyrolysis plant and the landfill had emitted 134.54 tons per year of particulates.

B. Notice of Public Hearing

The State informed EPA that a public hearing was held in Baltimore on October 5, 1981, as required by 40 CFR Section 51.4.

C. EPA Evaluation/Actions

EPA has reviewed the State's submittal and concludes that the terms of the Secretarial Order and the additional assurances provided by the State with regard to their permit to construct meet all of the applicable SIP requirements as discussed below:

(1) According to the terms of the Secretarial Order, the incinerator will be required to meet an outlet grain loading of 0.02 grains per dry standard cubic feet (gr/dscf). EPA considers this emission standard to be LAER for new incinerators. The Secretarial Order and the permit also stipulate that fugitive dust emissions from the incinerator's operation must be minimized.

(2) COMAR 10.18.06.11C(2)(b) requires that all major sources owned or operated by the person seeking the exemption must be in compliance with all applicable State and Federal emission standards. While the Secretarial Order does not discuss whether all other sources operated by the Northeast Maryland Waste Disposal Authority (the owner of this proposed incinerator), the Wheelabrator-Frye Company (builder and operator of this proposed incinerator) or any affiliate that might operate the incinerator is currently in compliance with the State and Federal Regulations, the State has assured EPA by separate letters (March 29, 1982 and May 12, 1982) that neither the Authority nor the Wheelabrator-Frye Company owns or operates any other sources in Maryland.

(3) The State of Maryland estimates that the construction of the incinerator combined with the shutdown of the pyrolysis plant and landfill will reduce TSP emissions by 13.54 tons per year overall from this location. Given this net reduction in TSP emissions, EPA concludes that State's offset represents reasonable further progress towards attainment of the national TSP standards.

(4) While EPA cannot yet determine to what specific degree air quality levels will improve until the incinerator has been constructed and is operating, EPA concludes that the reduction in overall TSP emissions at this site should serve to mitigate current air quality levels of TSP.

Therefore, EPA approves the Secretarial Order and the accompanying March 29, 1982 letter from the State of Maryland as a revision of the Maryland SIP. Accordingly, this notice amends 40 CFR 52.1070 (Identification of Plan), Subpart V (Maryland), to incorporate the submitted material into the approved Maryland SIP.

II. Amendments to Maryland's Incinerator Regulations

On January 11, 1982, the State of Maryland submitted to EPA an amendment to COMAR 10.18.08.05A(1) pertaining to control of incinerators and requested that it be reviewed and processed as a revision of the Maryland SIP. The amendment, applicable to State Regions I, II, V and VI (the Cumberland-Keyster, Central Maryland, Southern Maryland and Eastern Shore AQCR's respectively) would no longer require the burning of auxiliary fuels to be included when calculating TSP emissions from incinerators. This regulatory amendment would bring the testing requirements for incinerators into agreement with the testing requirements for State Regions III and IV (the Metropolitan Baltimore and the National Capital AQCR's respectively). The State claims that the amendment would not adversely impact air quality, but will have a positive economic impact by reducing the cost of compliance testing for incinerators.

D. Public Hearings

The State informed EPA that public hearings were held on October 20, 1981 in both Frederick and Baltimore, in accordance with the requirements of 40 CFR 51.4.

E. Evaluation/Actions

EPA has reviewed this regulatory change and concurs with Maryland's evaluation that the amendment will have no adverse impact on air quality in State regions I, II, V and VI. As the State has indicated, this amendment refers to compliance testing procedures and does not alter the applicable particulate emission standards for outlet grain loading or opacity. Therefore, EPA approves the amendment to State regulation 10.18.08.05A(1) as a revision of the Maryland State Implementation Plan. Accordingly, this notice amends 40 CFR 52.1070 (Identification of Plan) of Subpart V (Maryland) by incorporating this regulatory change into the approved Maryland SIP.

The public is advised that this action will become effective 60 days from the publication date of this notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and other 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.

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

Under 5 U.S.C. 605(b), I have certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 7, 1982. This action may not be challenged late in proceedings to enforce its requirements. (See 307(b)(2).)

List of Subjects in 40 CFR 52

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

Dated: June 30, 1982.

Anne M. Gorsuch,
Administrator.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION

Title 40, Part 52, Subpart V of the Code of Federal Regulations is revised to read as follows:

Subpart V—Maryland

Section 52.1070 is amended by adding paragraphs (c)(65) and (c)(66) to read as follows:

§ 52.1070 Identification of Plan.

* * * * *

(c) * * *

(65) A Secretarial Order stating the terms under which a construction permit for a new source in a nonattainment area will be issued by the Northeast Maryland Waste Disposal Authority to Wheelabrator-Frye, Inc. to construct and operate a municipal incinerator; submitted on December 22, 1981 by the Director, Maryland Air Management Administration, Department of Health and Mental Hygiene.

(66) An amendment to Code of Maryland Air Regulation (COMAR) 10.18.08.05A(1) revising the method for calculating particulate emissions from incinerators located in the Cumberland-Keyster, Central Maryland, Southern Maryland and Eastern Shore Air Quality

Control Regions (AQCR's), submitted on January 11, 1982 by the Governor.

[FR Doc. 82-18321 Filed 7-6-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[A-9-FRL 2141-7]

Pima County, Ariz.; Nonattainment Area Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Final Rulemaking.

SUMMARY: On July 23, 1980, EPA published a notice of proposed rulemaking concerning the Metropolitan Pima County Nonattainment Area Plan (NAP) submitted by the State of Arizona. Today's notice takes final action under the Clean Air Act to approve and conditionally approve portions of the Metropolitan Pima County NAP.

DATE: This action is effective July 7, 1982.

ADDRESS: A copy of today's revision to the Arizona State Implementation Plan (SIP) is located at: The Office of the Federal Register, 1100 "L" Street, NW., Room 8401, Washington, D.C. 20408, Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: David P. Howekamp, Acting Director, Air Management Division, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105, Attn: Douglas Grano (415) 974-8058.

SUPPLEMENTARY INFORMATION:

Background

On March 20, March 27, and October 9, 1979, and on February 28, 1980, the Arizona Department of Health Services (ADHS) submitted revisions to the Arizona State Implementation Plan (SIP) consisting of a control strategy for Metropolitan Pima County and regulations for Pima County. These revisions, which comprise the Metropolitan Pima NAP, are intended to provide for the attainment of the carbon monoxide (CO) and total suspended particulates (TSP) national ambient air quality standards (NAAQS) in the Tucson Air Planning Area.

On July 23, 1980 (45 FR 49112), EPA published a notice of proposed rulemaking on the Pima County NAP and on certain Arizona State Rules and Regulations concerning New Source Review (NSR). The Arizona State NSR

regulations were acted on in a separate Federal Register notice published on May 5, 1982 (47 FR 19326). The July 23, 1980 and May 5, 1982 notices should be used as references in reviewing today's final rulemaking action.

On August 11, 1980 (45 FR 53145), EPA published a notice of final rulemaking on Arizona's motor vehicle emission control inspection and maintenance (I/M) program. That notice approved revisions to Arizona's I/M program with respect to Part D of the Clean Air Act and incorporated them into the SIP. The Arizona I/M program is part of the Metropolitan Pima County NAP and the August 11, 1980 approval satisfies Part D I/M requirements. Thus, the August 11, 1980 notice should be consulted for necessary background information concerning today's final rulemaking action.

Finally, on October 22, 1980 (45 FR 70004), EPA published a notice of proposed rulemaking concerning, in part, amendments to the Arizona State NSR rules. The October 22, 1980 notice should also be used as a reference in reviewing today's action.

Supplemental Revisions

After EPA's review, which appears in the July 23, 1980 notice, the State submitted revisions to the NAP and rules and regulations as discussed below.

New Sources Review Rules

In response to the revised NSR and Prevention of Significant Deterioration (PSD) criteria published by EPA on August 7, 1980, the ADHS has drafted revisions to their NSR and PSD regulations. On September 4, 1981 ADHS requested that EPA solicit comments on the acceptability of their revised regulations concurrently with their public notice, public hearing, and rule adoption actions. On November 12, 1981 (46 FR 55714) EPA invited public comments on whether these draft regulations should be approved, disapproved or conditionally approved, especially with respect to requirements of Part C and Part D of the Clean Air Act. In that notice EPA proposed to approve the State's draft NSR/PSD regulations contingent upon the official adoption and submittal of regulations by ADHS which are substantively equivalent to the draft regulations.

Transit Improvements

The Pima Association of Governments (PAG) developed and submitted a document, entitled "Improvement Schedules for Transit System and Rideshare Program in Metropolitan Pima County" on March 8, 1982. This

document was submitted in response to EPA's proposed condition that the CO plan specify schedules for implementation of specific improvements with respect to the mass transit and carpooling improvements. EPA's detailed evaluation is available at the address indicated above.

EPA has determined that this revision represents a clarification of the legally adopted measures portrayed in the CO plan and required by section 172(b)(10) of the Act. Since an opportunity to comment on the plan has already been given in the proposal notice, further comment is not considered necessary for this minor revision and thus, EPA finds that "good cause" exists to immediately approve this plan revision. (See Administrative Procedures Act, 5 U.S.C. 553(b).)

Attainment Provision—TSP

In response to EPA's proposed condition that the attainment demonstration be modified to include the entire nonattainment area, particularly the Rillito area, PAG submitted a document, entitled "Microinventory of Total Suspended Particulate Sources in the Vicinity of ADHS High Volume Sampler, Rillito, Arizona." EPA agrees with the principle conclusions of the report and has determined that the proposed condition has been met. EPA's detailed evaluation is available at the addresses indicated above.

Public Comments

During the public comment period EPA received comments from the Arizona Department of Health Services, the Pima County Health Department, the Pima Association of Governments, and the Arizona Public Service Company. A document containing the summarization of substantive comments and the full EPA response to each, entitled "EPA Public Comment Technical Support Document", is available for public inspection as a part of Document File NAP-AZ-2 at the EPA Library in Washington, D.C., at the EPA Region 9 office in San Francisco, CA and at the other Document File locations listed in the July 23, 1980 notice.

EPA Actions

EPA's final actions described below are based on the proposed rulemaking notice, supplemental revisions submitted by the State, and public comments received by EPA.

Approved Portions of the NAP

As proposed in the July 23 notice and discussed in the Public Comment Technical Support Document, and the

SUPPLEMENTAL REVISIONS section of this notice, EPA is taking action under Section 172 to approve the following portions of the Metropolitan Pima County Nonattainment Area Plan for CO and TSP: emission inventory, modeling, emission reduction estimates, attainment provision, reasonable further progress, legally adopted measures, emission growth, annual reporting, resources, public and government involvement, and public hearing requirements.

Conditionally Approved Portion of the NAP

EPA is today conditionally approving Pima County's NSR rules. These rules, together with several supplemental Arizona NSR rules (e.g., for sources emitting greater than 75 tons per day, refineries, and other limited classes of sources), comprise the complete NSR permit program for Pima County (see the July 23, 1980 proposal for Pima County). The Arizona rules were conditionally approved by EPA on May 5, 1982.

As discussed in the proposal notice, the Public Comment Technical Support Document, and the SUPPLEMENTAL REVISIONS section of this notice, the permit program of the NAP contains minor deficiencies with respect to EPA's current NSR regulations listed at 40 CFR 51.18(j). EPA is conditionally approving this portion of the NAP because the pollution control agencies for Arizona and Pima County have assured EPA that they will submit the material to correct these deficiencies, and it is not expected that any major new source growth will occur during the brief period of time the rules are being amended. Because of the above reasons, and because these deficiencies will not significantly affect the critical elements of the Pima County NSR rules during the interim period of conditional approval, EPA finds that the Pima County NSR rules can be conditionally approved.

To satisfy the condition of approval, the State and County must submit the following material by the indicated date:

By November 4, 1982, the ADHS and Pima County NSR rules must be revised to meet the requirements in EPA's amended regulations for NSR under Section 173 of the Clean Air Act (May 13, 1980 (45 FR 31307), August 7, 1980, (45 FR 52676) and October 14, 1981 (46 FR 50766)), and submitted as a SIP revision.

Final Action on the Overall NAP

Since the Metropolitan Pima County NAP for TSP and CO contains only minor deficiencies, and since the State has provided assurances to correct these

deficiencies, EPA is taking final action to conditionally approve the overall NAP with respect to Part D. As a result, the current prohibition on construction of major new or modified sources of TSP and CO is no longer in effect in Metropolitan Pima County.

Regulatory Process

In those areas for which the State of Arizona has submitted approvable or conditionally approvable NAPs in accordance with the requirements of Part D, EPA has responsibility to take a final action as soon as possible in order to lift the construction prohibition. Since the State has submitted a conditionally approvable NAP for Pima County as discussed in this notice, EPA finds that good cause exists for making this action immediately effective.

The following Federal regulations are being rescinded since they have been replaced by a revised CO control strategy:

- 40 CFR 52.136, "Control strategy: carbon monoxide"
- 40 CFR 52.137, "Employer carpool incentive program"
- 40 CFR 52.138, "Bus/carpool matching program"

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

Under Executive Order 12291, today's action is not "major." It has been submitted to the Office of Management and Budget (OMB) for review. Any comments from OMB to EPA, and any EPA response, are available for public inspection at the addresses listed above.

Under the Clean Air Act, any petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 7, 1982. This action may not be challenged later in proceedings to enforce its requirements.

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

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

List of Subjects in 40 CFR Part 52

Air Pollution Control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

Dated: June 30, 1982.
Anne M. Gorsuch,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart D—Arizona

1. Section 52.120(c) is amended by adding Subparagraphs (33), (34), (38)(i)(B), (42) and (53)(ii) as follows:

§ 52.120 Identification of plan.

(c) * * *
(33) The Metropolitan Pima County Nonattainment Area Plan for CO was submitted by the Governor's designee on March 20, 1979.

(34) The Metropolitan Pima County Nonattainment Area Plan for TSP was submitted by the Governor's designee on March 27, 1979.

(38) * * *
(i) * * *
(B) New or amended Regulation 17: Rule 171, paragraphs B.1, B.1.a, B.7, B.8, C.1.a, C.1.b, C.2.a, C.2.c, C.2.d, C.3.a, and E.1.b; Regulation 42: Rules 421, 422, 423, 424, 425, and 426; and Regulation 50: Rule 504.

(42) The *Technical Basis of New Source Review Regulations, Pima County, Arizona, February 6, 1980* (AQ-125-a) was submitted by the Governor's designee on February 28, 1980.

(53) * * *
(ii) The *Improvement Schedules for Transit System and Rideshare Program in Metropolitan Pima County*.

2. Section 52.123 is amended by adding paragraph (c)(2) as follows:

§ 52.123 Approval status.

(c) * * *
(2) Tucson Air Planning Area for CO and TSP.

3. Section 52.124 is amended by adding paragraph (a)(2) as follows:

§ 52.124 Part D conditional approval.

(a) * * *
(2) The Tucson Air Planning Area portion of the Arizona SIP is approved as satisfying Part D requirements for TSP and CO provided the following condition is met:

(i) By November 4, 1982, the NSR regulations must be revised to meet the requirements in EPA's amended regulations for NSR (May 13, 1980 [45 FR 31307], August 7, 1980 [45 FR 52676] and October 14, 1981 [46 FR 50766]).

4. In § 52.131 the entries for Arizona are revised as follows:

§ 52.131 Attainment dates for national standards.

Air quality control region	Pollutants						
	TSP		SO _x		NO _x	CO	O ₃
	Primary	Secondary	Primary	Secondary			
Pima Intrastate:							
Tucson Air Planning Area	d	d	c	c	c	d	c
Remainder of Intrastate	e ¹	e ²	b	b	c	(¹)	(¹)

§ 52.136 [Removed and reserved]
5. Section 52.136 is removed and reserved.

§ 52.137 [Removed and reserved]
6. Section 52.137 is removed and reserved.

§ 52.138 [Removed and reserved]
7. Section 52.138 is removed and reserved.

40 CFR Part 52

[A-6-FRL 2154-6]

Approval and Promulgation of Revisions to the Louisiana State Implementation Plan Regarding Permit Fee Systems, Interstate Pollution Abatement, Public Availability of Emission Data, Maintenance of Pay, Permit Public Comment, and Public Notification

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Rulemaking.

SUMMARY: The purpose of this notice is to approve six (6) minor revisions to the Louisiana State Implementation Plan (SIP) in fulfillment of the Clean Air Act Amendments of 1977. These final revisions were submitted to EPA by the Governor on April 30, 1979, and relate to: (1) permit fee systems, (2) interstate pollution abatement, (3) public availability of emission data, (4) maintenance of pay, (5) permit public comments, and (6) public notification of exceedances of the primary National Ambient Air Quality Standards (NAAQS). The revision for permit fee systems did not satisfactorily meet the requirements of the Clean Air Act. As a result, the State submitted additional permit fee revisions on July 7, 1980; September 12, 1980; October 23, 1980; and January 12, 1981. The September 12, 1980 revision also included a new section for the implementation of regulations regarding public notification. Finally, on August 7, 1979 the State sent EPA a notification letter of a typographical error in the initial maintenance of pay revision. In reviewing the State's submittals, EPA assessed the ability of the revisions to meet the requirements of the 1977 Clean Air Act amendments.

EFFECTIVE DATE: This action will be effective on September 7, 1982 unless notice is received by August 6, 1982 that someone wishes to submit adverse or critical comments.

ADDRESSES: A copy of the State's submittals is available for review during normal business hours at the following locations:

The Office of the Federal Register, 1100 L Street NE., Room 8401, Washington, D.C. 20460

Environmental Protection Agency, Public Information Reference Unit (PM-213), EPA Library, 401 M Street SW., Washington, D.C. 20460

Environmental Protection Agency, Air Branch, Region 6, 1201 Elm Street, Dallas, Texas 75270.

FOR FURTHER INFORMATION CONTACT:

John R. Hepola, State Implementation Plan Section, Air Branch, Air and Waste Management Division, EPA Region 6, 1201 Elm Street, Dallas, Texas 75270. Phone: (214) 767-1518.

SUPPLEMENTARY INFORMATION: On April 30, 1979, the Louisiana Department of Natural Resources (LDNR) submitted revisions to the SIP in fulfillment of the Clean Air Act Amendments of 1977. These revisions were submitted by the Governor and relate to new requirements for permit fee systems, interstate pollution abatement, public availability of emission data, maintenance of pay, permit public comment, and public notification. EPA has reviewed the State's submittals and developed an Evaluation Report¹ which describes the new 1977 requirements and reviews the State's submittals to satisfy those requirements. This evaluation report is available for review during normal business hours at the addresses listed above. The LDNR has revised the Louisiana State Implementation Plan to include the following requirements:

Permit Fee Systems—Section 2204 of the Louisiana Air Control Law provides legal authority for establishing a fee schedule to be based on recovering the reasonable costs of acting on permit applications, implementing, and enforcing permits.

After the initial submittals by the Governor on April 30, 1979, EPA requested and the State agreed to minor changes in Regulations 6.1 (fee schedule), 6.1.7 (requirements for permit fees), and 6.1.1 (permit exempt list). The revised regulations were submitted by the Governor on July 7, 1979 (which also added a new regulation 6.1.6, fee assessments), on September 12, 1980 (which deleted the reference to Table 8 in Regulation 6.1 and in its place referenced Table 4.1 in the Office of Environmental Affairs Fee Schedule Booklet; deleted Regulation 6.1.7), and on October 23, 1980 (which more fully described the permit exempt list in Regulation 6.1.1). Under Regulation 6.1.1, the State and EPA interpret the term insignificant to mean "less than 100 tons/year of any criteria pollutant".

A final permit fee schedule was submitted by the Governor on January 12, 1981. With the changes submitted by the Governor, the Louisiana Permit Fee System (which includes Regulations 6.1, 6.1.1, and 6.1.6) is considered adequate to satisfy Section 110(a)(2)(K) of the Act and is therefore approved.

¹ Evaluation Report for Revisions to the Louisiana State Implementation Plan (SIP) Regarding Permit Fee Systems, Interstate Pollution Abatement, Public Availability of Emission Data, Maintenance of Pay, Permit Public Comment, and Public Notification, May 1982.

Interstate Pollution Abatement—On April 30, 1979, the State submitted Regulations 6.11 which addressed the requirements of Section 126(a)(1) of the Clean Air Act. This section requires new or modified sources subject to Prevention of Significant Deterioration (PSD) or which may cause the NAAQS to be exceeded outside the State where the source is to be located to notify the affected States sixty-five (65) days prior to the approved date of construction. Since the language of the regulation is similar to and consistent with the language in Section 126(a)(1), EPA approves Regulation 6.11. In addition, Section 126 requires that nearby States be notified of existing sources which may affect their air quality. Louisiana has notified the following States of sources in Louisiana which may affect their air quality: (1) Arkansas—November 14, 1977, (2) Mississippi—May 3, 1982, and (3) Texas—April 21, 1982. These notifications are considered adequate to satisfy the requirements of Sections 126(a)(2) of the Clean Air Act.

Public Availability of Emission Data—Section 2210 of the Louisiana Air Control Law was disapproved by EPA on September 26, 1974. EPA ruled that under certain circumstances, Louisiana's State law pertaining to confidential information control prevent the disclosure of emission data to the public. The Governor's April 30, 1979, submittals included a revised section 2210 which specifically identifies emissions data as non-confidential information; therefore it is not subject to the prohibition of disclosure of confidential information as contained in section 2210. As revised, section 2210 adequately satisfies the requirements of 40 CFR 51.11(a)(6), and is approved.

Maintenance of Pay—In the Governor's submittal of April 30, 1979, the State included a new Regulation 17.15 which addressed the maintenance of pay requirements pursuant to section 110(a)(6) of the Clean Air Act. In the original submittal of Regulation 17.15, there was a typographical error in reference to delayed compliance orders under Section 113 of the Act. The State submitted a corrected copy of Regulation 17.15 on August 9, 1979. Regulation 17.15 has language similar to that of section 110(a)(6) and is considered adequate to satisfy the maintenance of pay requirement; therefore, EPA is approving this regulation.

Permit Public Comment—In the Governor's submittal on April 30, 1979, the existing Louisiana Regulation 6.6 was deleted in its entirety and a new section was added that addressed each of the three requirements of 40 CFR 51.18(h) and is therefore approved.

Public Notification—The Governor's September 12, 1980, submittal of sections No. 51.285 (a), (b) and (c) of Louisiana's State Implementation Plan more than adequately meet the requirements of section 127 of the Clean Air Act. This section requires (a) public notification of exceedance of primary standards on a regular basis during any portion of the proceeding year, (b) advising public of health hazards associated with such exceedances and (c) increasing public awareness in prevention of exceedances and participation in regulation of air quality. Therefore, this revision is approved.

The revisions included in this approval notice are considered minor in nature and noncontroversial. EPA is approving them without prior proposal. This action will be effective 60 days from the date of this **Federal Register** notice. 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 the other will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291. Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See CFR 8709.)

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 7, 1982. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2)).

Incorporation by reference of the State Implementation Plan for the State of Louisiana was approved by the Director of the **Federal Register** of July 1, 1981. This notice of final rulemaking is issued under the authority of Section 110 of the Clean Air Act, as amended, 42 U.S.C. 7410.

List of Subjects in 40 CFR Part 52

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

Dated: June 30, 1982.

Anne M. Gorsuch,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart T—Louisiana

1. In § 52.970, paragraph (c) is amended by adding paragraph (27) as follows:

§ 52.970 Identification of Plan.

* * * * *

(c) * * *
(27) Revisions to the plan for permit fee systems, interstate pollution abatement, public availability of emission data, maintenance of pay, permit public comment, and public notification of exceedances of the primary national ambient air quality standards (NAAQS), were submitted by the Governor on April 30, 1979. In addition, revised submittals for permit fee schedules were submitted on July 7, 1979; September 12, 1980; October 23, 1980; and January 12, 1981. The September 12, 1980 letter also included a new section 51.285(a), (b) and (c). Finally, the State sent a notification letter on August 7, 1979, which corrected a typographical error in the maintenance of pay revision.

* * * * *

§ 52.983 [Removed and reserved]

2. Section 52.983 is removed and reserved.

[FR Doc. 82-18317 Filed 7-6-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[A-9 FRL 2139-5]

Mountain Counties Air Basin, California Nonattainment Area Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Final Rulemaking.

SUMMARY: In today's notice EPA is finalizing the conditional approval of the Mountain Counties Air Basin (MCAB) nonattainment area plan (NAP) for ozone. The MCAB NAP was submitted by the State of California and was proposed to be conditionally approved with respect to Part D of the Clean Air Act, "Plan Requirements for Nonattainment Areas," on March 22, 1982.

DATE: This action is effective July 7, 1982.

ADDRESS: A copy of the MCAB NAP for ozone is located at:
The Office of the Federal Register, 1100 L Street NW., Room 8401,
Washington, D.C. 20408
Public Information Reference Unit,
Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

David P. Howekamp, Acting Director, Air Management Division, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105, Attn: Douglas Grano, (415) 974-8058.

SUPPLEMENTARY INFORMATION:

Background

On October 15, 1979, and January 28, April 3, May 28 and June 22, 1981, the California Air Resources Board (ARB) submitted revisions to the California State Implementation Plan (SIP) consisting of a control strategy and regulations for the Mountain Counties Air Basin. These revisions, which comprise the Mountain Counties Air Basin NAP, are intended to provide for attainment of the ozone National Ambient Air Quality Standard (NAAQS) in the MCAB portion of Placer and El Dorado Counties.

On March 22, 1982 (47 FR 12195), EPA published a notice of proposed rulemaking concerning the MCAB NAP for ozone. The notice provided a description of the NAP, summarized the applicable Clean Air Act requirements, compared the NAP to those criteria, and proposed to approve, or conditionally approve portions of the NAP. The March 22 notice should be used as a reference in reviewing today's actions.

Supplemental Revisions

The March 22, 1982 notice indicated that the only serious deficiency in the MCAB NAP was the lack of definitions for the El Dorado County New Source Review (NSR) rule, Rule 102, "Definitions", previously submitted by the State on April 17, 1980, contains definitions which remedy this major deficiency.

Rule 102 has been reviewed as a supplemental revision. EPA's detailed evaluation is available at the addresses indicated above. While the definitions do contain some minor deficiencies, the rules are being approved as part of today's rulemaking action. The State and the lead planning agencies have committed to amending the regulations to fully satisfy EPA's NSR requirements.

EPA believes that the NSR definitions for El Dorado County represent a clarification of the rules and do not change their substance. Since an opportunity to comment on the rules has already been given in the proposal notice, further comment is not considered necessary for this minor revision and thus, EPA finds that "good cause" exists to immediately approve these rules. (See Administrative Procedures Act, 5 U.S.C. 553(b).)

Public Comments

EPA received public comments from the El Dorado County Air Pollution Control District (APCD) (letter dated April 13, 1982) and the Placer County APCD (letter dated April 22, 1982). The El Dorado County APCD commented that Rules 313 to 320 listed in the March 22 notice were actually numbered as Rules 213 to 220. EPA will approve the rule-numbering change after the change is officially submitted by the State of California for inclusion in the SIP. The rule numbering used in today's notice is the same as in the proposed rulemaking (i.e., Rules 313 to 320).

The El Dorado Placer and County APCD indicated their intent to revise their NSR regulation to conform with EPA's revised requirements. Therefore, EPA will conditionally approve the permitting portion of the MCAB NAP with the condition that acceptable NSR regulations be submitted by January 1, 1983.

EPA Actions

EPA's final actions on the MCAB NAP for ozone are described below. These actions are based on the proposed rulemaking notice, supplemental revisions, and the public comments received by EPA.

Approved Portions of the NAP

EPA is taking final action under section 110 of the Clean Air Act to approve the following rules since they provide emission limits necessary to insure attainment of the NAAQS: El Dorado County Rules 313, 314, 315, 316, 317, 318, 319, and 320; and Placer County Rule 214.

The following portions of the NAP are approved because they satisfy the requirements of Part D: emission inventory, modeling, emission reduction estimates, attainment provision, reasonable further progress, legally adopted measures, emissions growth, annual reporting, resources, public and government involvement, and public hearing requirements.

The State's request for an extension of the ozone attainment date to December 31, 1987 is approved.

Conditionally Approved Portions of the NAP

As discussed in the proposal notice, the Public Comment Technical Support Document, and the Supplemental Revisions section of this notice, the permit program of the NAP contains minor deficiencies with respect to EPA's current NSR regulations listed at 40 CFR 51.18(j). EPA is conditionally approving this portion of the NAP for the reasons described in the Notice of Proposed Rulemaking (March 22, 1982). The pollution control agencies for California and the Counties have assured EPA that they will submit the material to correct these deficiencies. It is not expected that any major new source growth will occur during the brief period of time the rules are being amended.

To satisfy the condition of approval, the State and Counties must submit the following material by the indicated date: By January 1, 1983, the New Source Review rules for the Placer and El Dorado portions of the MCAB must be revised to meet the requirements in EPA's amended regulations under Section 173 (May 13, 1980, (45 FR 31307), August 7, 1980, (45 FR 52676) and October 14, 1981, (46 FR 50766)).

Final Action on the Overall NAP

Since the MCAB NAP for ozone in Placer and El Dorado Counties contains only minor deficiencies, and since the State has provided assurances to correct these deficiencies, EPA is taking final action to conditionally approve the overall NAP with respect to Part D. As a result, the current prohibition on construction of major new or modified sources of volatile organic compounds is no longer in effect in these portions of the MCAB.

Regulatory Process

In those areas for which the State of California has submitted approvable or conditionally approvable NAPs in accordance with the requirements of Part D, EPA has responsibility to take a final action as soon as possible in order to lift the construction prohibition. Since the State has submitted a conditionally approvable NAP for the Counties discussed in this notice, EPA finds that good cause exists for making this action immediately effective.

The following Federal regulations are being partially rescinded since they have been replaced by similar rules in the MCAB:

40 CFR 52.254, "Organic solvent usage"

40 CFR 52.255, "Gasoline transfer vapor control"

40 CFR 52.256, "Control of evaporative losses from the refilling of vehicular tanks"

The Federal Regulation 40 CFR 52.264, "Mass Transit Priority Strategy and Planning," is being rescinded as proposed since it was invalidated by previous legal action.

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.) Under Executive Order 12291, today's action is not "major." It has been submitted to the Office of Management and Budget for review.

Under the Clean Air Act, any petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 7, 1982. This action may not be challenged later in proceedings to enforce its requirements.

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

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

List of Subjects in 40 CFR Part 52

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

Dated: June 30, 1982.

Anne M. Gorsuch,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart F—California

1. In Section 52.220(c) subparagraphs (52)(xii)(C), (92)(ii)(C), (93)(vi), (98)(vii)(B), (119)(i)(B) and (120) are added as follows:

§ 52.220 Identification of plan.

- | | | | | |
|---------------|-------------------|---|---|---|
| * | * | * | * | * |
| (c) | *** | | | |
| (52) | *** | | | |
| (xiii) | *** | | | |
| (C) Rule 508 | (except paragraph | | | |
| (c)(3)(h)). | | | | |
| * | * | * | * | * |
| (92) | *** | | | |
| (ii) | *** | | | |
| (C) Rule 214. | | | | |
| * | * | * | * | * |
| (93) | *** | | | |

(vi) El Dorado County APCD (Mountain Counties Air Basin Portion).
(A) Rules 318, 319, and 320.

(98) ***

(vii) ***

(B) Rules 313, 314, 315, 316, and 317.

(119) ***

(i) ***

(B) Rule 102.

(120) *The Mountain Counties Air Basin Control Strategy* for ozone (Chapter 9 of the "Comprehensive Revisions to the State of California Implementation Plan for the Attainment and Maintenance of the Ambient Air Quality Standards" was submitted by the Governor's designee on April 3, 1981. The submittal also included revised regulations for the following APCD's.

(i) El Dorado County APCD (Mountain Counties Air Basin portion).

(A) Rules 401, 402, 403, 404, 405, 406, 407, 410, 411, 415, 416, 418, 419, 420, 421, 422, 423, 424, and 425.

2. Section 52.222 is amended by adding paragraph (d)(7) as follows:

§ 52.222 Extensions.

(d) ***

(7) Mountain Counties Air Basin.

(i) El Dorado County (Mountain Counties Air Basin portion) for O₃.

(ii) Placer County (Mid-County portion) for O₃.

3. Section 52.223 is amended by adding paragraph (b)(10) as follows:

§ 52.223 Approved Status.

(b) ***

(10) Mountain Counties Air Basin.

(i) El Dorado County (Mountain Counties Air Basin portion) for O₃.

(ii) Placer County (Mid-County portion) for O₃.

4. Section 52.232 is amended by adding paragraph (a)(15) as follows:

§ 52.232 Part D conditional approval.

(a) ***

(15) Mountain Counties Air Basin.

(i) By January 1, 1983 the new source review rules for Placer and El Dorado Counties must be revised to meet the requirements in EPA's amended regulations under Section 173 (May 13, 1980, [45 FR 31307], August 7, 1980, [45 FR 52676], and October 14, 1981, [46 FR 50766]).

5. In Section 52.238, the entries for the Mountain Counties Intrastate are amended to read as follows:

§ 52.238 Attainment dates for the national standards.

Air quality control region	POLLUTANTS						
	TSP		SO ₂		NO _x	CO	O ₃
	Primary	Secondary	Primary	Secondary			
Mountain Counties Intrastate:
Placer County portion.	e.....	e.....	e.....	e.....	e.....	e.....	i.....
El Dorado County portion.	a.....	e.....	e.....	e.....	e.....	e.....	i.....

6. Section 52.254 is amended by adding paragraph (a)(3)(vii) as follows:

§ 52.254 Organic solvent usage.

(a) ***

(3) ***

(vii) El Dorado County (Mountain Counties Air Basin portion).

7. Section 52.255 is amended by adding paragraph (b)(2)(viii) as follows:

§ 52.255 Gasoline transfer vapor control.

(b) ***

(2) ***

(viii) El Dorado County APCD (Mountain Counties Air Basin portion).

8. Section 52.256 is amended by adding paragraph (b)(3)(ii) and (b)(3)(iii) as follows:

§ 52.256 Control of evaporative losses from the filling of vehicular tanks.

(b) ***

(3) ***

(ii) El Dorado County APCD (Mountain Counties Air Basin portion).

(iii) Placer County APCD (Mountain Counties Air Basin portion).

§ 52.264 [Removed and reserved]

9. Section 52.264 is removed and reserved.

[FR Doc. 82-18378 Filed 7-6-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[A-10-FRL 2151-4]

Approval and Promulgation of Implementation Plan Revisions; Oregon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: (OR 614 and OR 873) By this Notice EPA announces its approval of the following revisions to the State of Oregon Implementation Plan: (1) A revision to the Ambient Air Quality Standard for ozone to be consistent with EPA's ozone standard, and (2) three revisions to the Lane Regional Air Pollution Authority Rules. These revisions have been submitted by the State of Oregon Department of Environmental Quality after adequate opportunity for public, private and industry input. This action will be effective on September 7, 1982 unless notice is received before August 6, 1982 that someone wishes to submit adverse or critical comments. If such notice is received, EPA will open a formal 30-day comment period prior to final rulemaking on this action.

EFFECTIVE DATE: This action is effective September 7, 1982.

ADDRESSES: Copies of materials submitted to EPA may be examined during normal business hours at the following locations:

- Central Docket Section (10A-82-3), West Tower Lobby, Gallery I, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460
- Air Programs Branch, Environmental Protection Agency, Region 10, 1200 Sixth Avenue M/S 532, Seattle, Washington 98101, State of Oregon, Department of Environmental Quality, 522 S.W. Fifth, Yeon Building, Portland, Oregon 97207
- The Office of Federal Register, 1101 L Street NW., Room 8401, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Michael J. Schultz, Environmental Protection Agency, 1200 Sixth Avenue M/S 532, Seattle, Washington 98101.

Telephone: (206) 442-1985, FTS: 399-1985.

SUPPLEMENTARY INFORMATION:

I. Introduction

On March 11, 1982, the State of Oregon Department of Environmental Quality (DEQ) submitted as SIP revisions a change to the statewide ambient ozone standard and modifications to the Lane Regional Air Pollution Authority (LRAPA) rules. Pursuant to sections 110 and 172 of the Clean Air Act (hereinafter referred to as the Act), EPA is today approving these revisions in order to make the Federally-approved SIP consistent with the current State and local air pollution control programs.

II. Plan Revisions

A. Revisions to the Ozone Standard (Oregon Administrative Rule 340-21-030)

The amended rule changes the State ozone standard from 160 micrograms per cubic meter (0.08 ppm), one-hour average, to 235 micrograms per cubic meter (0.12 ppm), one-hour average, making it consistent with the Federal standard as published in the February 8, 1979 Federal Register (44 FR 8220).

DEQ had viewed the 0.08 ppm standard as a long-term objective, but has been designing its ozone attainment plans to attain the 0.12 Federal standard. EPA is approving the revised OAR 340-21-030 since it is consistent with EPA's ozone standard and has no impact on the Oregon ozone SIP.

B. Revisions to the Lane Regional Air Pollution Authority

Amendments to the Lane Regional Air Pollution Authority (LRAPA) rules add requirements for particulate emissions from air conveying systems and revise the fee schedule for Air Contaminant Discharge Permits. These amendments are as follows:

1. Air Conveying Systems (Section 11-015.013 and 32-800).

These new LRAPA rules add (1) the definition of "Air Conveying System" (11-015.013) and (2) particulate emission regulations for "air conveying systems located within the Eugene/Springfield Air Quality Maintenance Area (AQMA) which use a cyclone or other mechanical separating device and which have a baseline year emission rate of three Metric Tons or more particulate matter (32-800)."

These rules are submitted as partial fulfillment of the Eugene-Springfield secondary standard total suspended particulate (TSP) strategy which EPA approved on April 12, 1982 (47 FR

15587). As one element of that strategy, LRAPA was to develop regulations for the control of industrial air conveying systems. These rules were approved by DEQ and were submitted to EPA as SIP revisions.

EPA is approving LRAPA rules 11-015.013 and 32-800 since they meet one of the commitments in the EPA approved (47 FR 15587) TSP secondary standard attainment plan for the area.

2. Fees for Air Contaminant Sources (Section 22-020).

LRAPA revised its existing rule by raising fees and adding more sources and source categories to its fee schedule. All sources within the agency's jurisdiction (Lane County) are affected by these rule changes.

EPA is approving this revised rule as it is only administrative and has no substantive impact on attainment and maintenance of standards.

III. Summary of Actions

EPA has determined that SIP revisions which are noncontroversial may be published as a final rulemaking without going through a proposed rulemaking. The subjects of today's rulemaking are noncontroversial for the reasons stated in the above "Plan Revisions Section." Therefore, EPA is approving today, without prior proposal, the subject SIP revisions submitted by DEQ on March 11, 1982.

Today's action will be effective on or before September 7, 1982. However, if notice is received within 30-days from publication that someone wishes to submit adverse or critical comments on any or all of the revisions approved herein, the action on those revisions will be withdrawn and EPA will initiate the normal rulemaking process of proposal and consideration of comments prior to final rulemaking.

Under section 307(b)(1) of the Clean Air Act, judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 7, 1982. This action may not be challenged later in proceedings to enforce its requirements (See 307(b)(2)).

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

(Secs. 110 and 172, Clean Air Act as amended (42 U.S.C. 7410(a) and 7502))

List of Subjects in 40 CFR Part 52

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

Dated: June 30, 1982.

Anne M. Gorsuch,
Administrator.

Note.—Incorporation by reference of the Implementation Plan for the State of Oregon was approved by the Director of the Office of Federal Register in July 1981.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart MM—Oregon

In § 52.1970 paragraphs (c)(49) through (50) are added as set forth below:

§ 52.1970 Identification of plan.

* * * * *

(c) * * *
(49) On March 11, 1982, the State of Oregon Department of Environmental Quality submitted three revisions to the Lane Regional Air Pollution Authority rules. They are: (1) Title 11 Definitions (Section 015.013, Air Conveying Systems), (2) Title 22 Permits (Section 020, Fees), (3) Title 32 Emission Standards (Section 800, Air Conveying System).

(50) On March 11, 1982, the State of Oregon Department of Environmental Quality submitted a revision to their State ambient air quality standard for ozone (from 0.08 ppm to 0.12 ppm).

[FR Doc. 82-18319 Filed 7-6-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[A-4-FRL 2150-2]

Approval and Promulgation of Implementation Plans; Florida: Ambient Air Quality Standards for Ozone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA today approves a revision in Florida's ambient air quality standards for ozone to bring the State standards into conformity with the national standards, revised by EPA on February 8, 1979 (44 FR 8202). On April 26, 1982, the Florida Department of Environmental Regulation (FDER) asked EPA, pursuant to section 110 of the Clean Air Act, to approve a change in the State ozone standard from 0.08 parts per million (ppm) to 0.12 ppm, or 235 micrograms per cubic meter. An accompanying change was also asked for the State's ozone alert level concentration for determination of air

pollution episodes, from 0.1 ppm to 0.2 ppm. This change makes the Florida episode alert level for ozone the same as that in Appendix L of 40 CFR Part 51.

EFFECTIVE DATE: This action will be effective on September 7, 1982, unless notice is received within 30 days that someone wishes to submit critical comments.

ADDRESSES: Copies of the materials submitted by the State may be examined during normal business hours at the following locations:

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

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

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

Florida Department of Environmental
Regulation, Bureau of Air Quality
Management, Twin Towers Office
Building, 2600 Blainstone Road,
Tallahassee, Florida 32301

FOR FURTHER INFORMATION CONTACT:
Ms. Sally Bethea, Air Management
Branch, EPA Region IV, at the above
address, telephone 404/881-3286 (FTS
257-3286).

SUPPLEMENTARY INFORMATION: On
February 17, 1982, a public hearing was
held on the proposed revision of the
State's ambient air quality standards for
ozone and the ozone episode alert level.
The revision was adopted by FDER on
March 10, 1982. On April 26, 1982, the
SIP revision was submitted to EPA by
FDER.

In 1971, EPA promulgated National
Ambient Air Quality Standards
(NAAQS) for photochemical oxidants.
Primary and secondary standards were
set at an hourly average level of 0.08
ppm, not to be exceeded more than once
a year. Based on revised air quality
criteria, EPA revised the NAAQS for
photochemical oxidants in 1979 (44 FR
8202). The primary and secondary
standards were raised to 0.12 ppm. The
definition of the point at which the
standard is attained was changed to
"when the expected number of days per
calendar year with maximum hourly
average concentrations above 0.12 ppm
is equal to or less than one."

Rule 17-2.300(3)(d)1 of the Florida
Administrative Code establishes
primary and secondary standards for
photochemical oxidants at the original
EPA standard of 0.08 ppm. The
submitted revision changes this
standard to 0.12 ppm, or 235 micrograms
per cubic meter, to conform to the

revised EPA NAAQS. The revision also
corrects the inconsistency between the
title of the standard (photochemical
oxidants) and the chemical species
(ozone) that is measured by the EPA
reference method used to determine
compliance with the standard. The
method for determination of the ozone
standard is changed in the revision to
the statistical approach recommended
by EPA for determining compliance with
the ozone NAAQS. The new method
accounts for the normal variations in
daily maximum ozone concentrations
which result from random meteorological
fluctuations. This approach allows the
number of exceedances to be expressed
as an average or expected number per
year and also makes allowance for
missing data.

Florida's Rule 17-2.330(1)(e)
establishes the alert level ozone
concentration for determination of an
air pollution episode at 0.1 ppm. The
new NAAQS of 0.12 ppm requires that
the alert level be raised for consistency.
FDER increased this level to 0.2 ppm, the
same level as that set by EPA (see
Appendix L of 40 CFR Part 51) to match
the new standard. The revised level
meets the primary purpose of the
episode criteria, which is to prevent
substantial threat to the public health.

Action. Based on the foregoing, EPA
today approves Florida's changes in its
ambient air quality standards and
episode alert level for ozone.

This action will be effective 60 days
from the date of this **Federal Register**
notice. However, if we receive notice
within 30 days that someone wishes to
submit critical comments, we will
withdraw this action and will publish
two subsequent notices before the
effective date. One notice will withdraw
the final action and another will begin a
new rulemaking by announcing a
proposal of the action and establishing a
comment period.

Under Section 307(b)(1) of the Act,
petitions for judicial review of this
action must be filed in the United States
Court of Appeals for the appropriate
circuit by September 7, 1982. This action
may not be challenged later in
proceedings to enforce its requirements.
(See 307(b)(2).)

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

On July 1, 1981, the Director of the
Federal Register approved incorporation
by reference of the State
Implementation Plan for the State of
Florida.

List of Subjects in 40 CFR Part 52

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

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

Dated: June 30, 1982.

Anne M. Gorsuch,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart K—Florida

In § 52.520, paragraph (c) is amended
by adding subparagraph (48) as follows:

§ 52.520 Identification of plan.

* * * * *

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

(48) Revised ambient standards and
episode alert level for ozone, submitted
on April 26, 1982, by the Florida
Department of Environmental
Regulation.

[FR Doc. 82-18320 Filed 7-6-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 81

[A-7-FRL 2153-1]

Designation of Areas for Air Quality Planning Purposes; Missouri (St. Joseph Area)—MO 445

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: Today EPA is taking final
action to redesignate a portion of the
City of St. Joseph, Missouri, from
nonattainment to attainment with
respect to the primary National Ambient
Air Quality Standard (NAAQS) for total
suspended particulates (TSP). This
portion remains designated
nonattainment for the secondary TSP
standard. The Missouri Department of
Natural Resources requested this
redesignation and supported their
request with recent air monitoring data
supplemented by dispersion modeling.
This information shows that the primary
TSP standard has not been exceeded
over the past two years in the area to be
redesignated.

EFFECTIVE DATE: This action will be
effective September 7, 1982, unless

notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Comments should be sent to Dwayne E. Durst, Environmental Protection Agency, 324 E 11th Street, Kansas City, MO 64106. The state submission is available at the above address, at the Missouri Department of Natural Resources, 1101 Rear Southwest Boulevard, Jefferson City, Missouri 65102, and the Environmental Protection Agency Public Information Reference Unit, Room 2922, 401 M Street S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Dwayne E. Durst at (816) 374-3791 (FTS 758-3791).

SUPPLEMENTARY INFORMATION: On May 17, 1982, the MDNR submitted a request to redesignate the attainment status of a portion of the City of St. Joseph, Missouri. The area was designated primary nonattainment for TSP on March 3, 1978 (43 FR 8962). That original designation included all of the area within the city limits of St. Joseph and was based upon data from a limited number of sampling stations in the central part of the city. Because there were no data available to accurately define the outer boundaries of the primary nonattainment area when first designated, the state chose to designate the entire city as primary nonattainment. Since then, additional monitors have been added in the outskirts of the city and dispersion modeling has been performed. The new boundaries for the primary nonattainment area reflect this new data.

The area for which the primary nonattainment designation is being eliminated will remain secondary nonattainment.

The area of St. Joseph which is to remain designated primary nonattainment includes the central business district and a several block commercial and residential strip which surrounds the downtown area on three sides. A portion of an industrial area to the south of downtown St. Joseph also remains designated primary nonattainment. The Missouri River forms the western boundary of the area. The full detailed description of the new primary nonattainment boundaries is contained in the state submission.

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 September 7, 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.

(Sections 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: June 30, 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

§ 81.326 [Amended]

1. In § 81.326 in the table "Missouri-TSP," the line reading "St. Joseph city limits" is amended by removing the words "city limits" and the two X's. A subheading is added directly under to read "St. Joseph Primary Nonattainment Area," with an "X" under the column headed "Does Not Meet Primary Standards." A second subheading is added directly under to read "Remainder of the City of St. Joseph" with an "X" under the column headed "Does Not Meet Secondary Standards."

[FR Doc. 82-16304 Filed 7-6-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 120

[WH-FRL 2163-3]

Water Quality Standards; Ohio; Withdrawal of Regulation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of rule.

SUMMARY: EPA is withdrawing a rule which established certain Federal water quality standards for the State of Ohio. These standards were largely based on a regulation which EPA has determined was not adequately subjected to public notice and comment.

DATE: This withdrawal is effective July 7, 1982.

FOR FURTHER INFORMATION CONTACT:

David K. Sabock, Environmental Protection Agency, Criteria and Standards Division, Criteria Branch (WH-585), Room M2818, 401 M Street, SW., Washington, D.C. 20460, (202) 245-3042.

SUPPLEMENTARY INFORMATION:

Background

On February 14, 1978, the Ohio Environmental Protection Agency adopted revisions to the State water quality standards and submitted them to the Regional Administrator, Region V, of the EPA for review. On May 17, 1978, the Regional Administration notified the Governor that the adopted standards did not meet the requirements of the Clean Water Act, and specified changes deemed necessary. On August 9, 1978, after the State submitted clarifications of certain of the provisions, the Regional Administrator approved certain portions of the standards but determined that other major portions of the standards remained inconsistent with the Act. On July 6, 1979 (44 FR 39486), EPA proposed water quality standards for the State to replace those provisions which had not been approved, and on November 28, 1980 (45 FR 79053), promulgated final water quality standards for Ohio.

In the November 28, 1980, promulgation for Ohio waters, EPA stated, as a partial basis for its action, that the State had not submitted sufficient evidence to justify its downgrading of stream use designations. At that time, EPA officials were not aware that 40 CFR 35.1550(c)(3), the underlying regulation governing State downgrades of water quality standards, had not been subjected to public notice and comment at the time of its promulgation in November 1975. Consequently, in the course of the Ohio rulemaking, EPA did

not respond to those comments which dealt with the validity of the downgrade criteria set forth in 40 CFR 35.1550(c)(3). When it realized these facts, EPA concluded that the basis for EPA's denial of the Ohio downgradings has not been adequately subjected to public notice and comment. In addition, a number of basic program policies supporting the national water quality standards program are being reviewed and possibly revised. Therefore, EPA concluded that it was appropriate to withdraw the standards promulgated on November 28, 1980. On February 16, 1982, at 47 FR 6662, EPA proposed for public comment the withdrawal of the November 28, 1980 promulgations.

Public Comments

Fourteen comments were received. Virtually all commenters supported EPA's withdrawal of its November 28, 1980 standard. A summary of the issues raised by the comments relevant to the proposed action and EPA's response follows:

Issue: Several commenters stated that in addition to the withdrawal of the 1980 promulgation, EPA should also rescind its August 9, 1978, disapproval of portions of the State standards.

Response: Mere disapproval of State water quality standards is not a final agency action, and unless and until EPA promulgates water quality standards for a State, the duly adopted State rules are to be relied upon for all purposes under the Clean Water Act. For this reason, there is no practical impact to retention of our disapproval. However, EPA has concluded that it would be appropriate to withdraw the agency's disapproval since it was grounded upon the same procedurally deficient provisions of 40 CFR 35.1550(c) as the Federal promulgation. We will notify the State accordingly.

Issue: One commenter asserted that EPA should not only rescind its disapproval but also approve the State standards adopted by Ohio on February 14, 1978.

Response: EPA does not believe that it is necessary or appropriate to formally approve the water quality standards adopted by Ohio in 1978. First, the current status of those standards under State law is unclear. In an order dated April 27, 1982, the Ohio Environmental Board of Review vacated on procedural grounds the State water quality standards adopted by Ohio. The State of Ohio has appealed this order to State appellate court, and expects to request a stay pending appeal. If the order is stayed or reversed, the 1978 State water quality standards will remain the effective standards for federal purposes,

whether or not approved by EPA. On the other hand, as long as the State standards remain vacated, there is nothing for EPA to approve. Of course, if there should be a continued absence of any effective water quality standards for the State of Ohio, EPA will consider appropriate action, consistent with the requirements of section 303 and the goals of the Clean Water Act.

In addition, the Ohio EPA has commenced a review of its 1978 water quality standards in accordance with the periodic review provisions of section 303(c) of the Clean Water Act. The purpose of this review is to develop or revise standards on a stream by stream basis. This review process will consider current stream-specific information to arrive at use designations for each segment. This review by Ohio EPA may lead to standards substantially different from those adopted by the State in 1978. As these revised standards are adopted by Ohio, they will be submitted to EPA for approval pursuant to section 303(c) of the Clean Water Act.

Issue: One commenter disagreed with EPA's statement at 47 FR 6662 that, if the Agency withdraws the federal standards, the standards adopted by Ohio on February 14, 1978, will be effective for all purposes under the Clean Water Act. The commenter states that the State standards were not properly adopted.

Response: As stated above, it is EPA's position that in the absence of federal water quality standards whatever duly adopted State water quality standards are in existence are to be utilized for Clean Water Act purposes. The question of what State standards, if any, are effective under State law is a matter for resolution at the State level. The question of the procedural validity of the 1978 standards is currently the subject of State court judicial review.

Issue: One commenter recommended that only those portions of 40 CFR § 120.45(a)-(g) based upon the procedurally deficient provisions of 40 CFR § 35.1550(c) should be withdrawn.

Response: While the downgrading provisions of 40 CFR § 35.1550(c) constituted only a partial basis for EPA's disapproval of the State standards adopted by Ohio in 1978, that section was the controlling factor in the agency's decision to disapprove. EPA's action therefore rested primarily upon an improperly established regulation. EPA is also reviewing the criteria for dissolved oxygen for the protection of aquatic life, which played a part in the disapproval, and a number of other basic program policies supporting the national water quality standards program. EPA has concluded that in

light of the above factors it is appropriate to withdraw all portions of the federal standards promulgated on November 28, 1980.

Effective Date

Because withdrawal of the Federally promulgated water quality standards for Ohio will have the effect of relieving a restriction, EPA has determined that it is appropriate to have the withdrawal effective immediately upon publication in the Federal Register.

Regulatory Analysis

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a regulatory impact analysis. This rule withdrawal is not "major" because it would not impose any regulation which might have an economic impact on industry, States or municipalities. For the same reason, the withdrawal of this rule will not have a significant economic impact on a substantial number of small entities.

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

List of Subjects in 40 CFR 120

Water pollution control.

Dated: June 30, 1982.

Anne M. Gorsuch,
Administrator.

PART 120—WATER QUALITY STANDARDS

§ 120.45 Ohio [Amended]

Section 120.45 paragraphs (a)-(g), of Part 120, Chapter 1, Title 40 of the Code of Federal Regulations are removed and reserved.

[FR Doc. 82-18323 Filed 7-6-82; 6:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 17

Nondiscrimination on the Basis of Handicap

AGENCY: Office of the Secretary, Interior.
ACTION: Final rule.

SUMMARY: This rule sets forth guidelines for the implementation of section 504 of the Rehabilitation Act of 1973 in programs receiving Federal assistance through the Department of the Interior (DOI). Section 504 of the Act prohibits discrimination against handicapped

persons in federally assisted programs. This rule is intended to interpret and define the requirements of the law as they relate to DOI Federal assistance programs and to establish policy and standards for effecting the requirements in the program.

EFFECTIVE DATE: July 7, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Melvin C. Fowler, Office for Equal Opportunity, U.S. Department of the Interior, Washington, D.C. 20240, (202) 343-4331.

SUPPLEMENTARY INFORMATION: Section 504 of the Rehabilitation Act of 1973 provides that no qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. On April 26, 1976, the President issued Executive Order 11914 under which the former Department of Health, Education and Welfare (HEW), as lead agency, was required to coordinate Government-wide enforcement of section 504. In accordance with Executive Order 11914, HEW issued on January 13, 1978, final standards, procedures, and guidelines to be followed by each Federal agency in issuing section 504 regulations (See 43 FR 2132, January 13, 1978). On November 2, 1980, coordinating responsibility for section 504 was transferred from HEW/HHS to the Department of Justice (DOJ) by Executive Order 12250 (45 FR 72995). Section 1-502 of the Order prescribed that HHS' regulations relating to the coordination of section 504, "shall be deemed to have been issued by the Attorney General pursuant to this Order and shall continue in effect until revoked or modified by the Attorney General." This final rule is intended to be consistent with those standards effectuating Executive Order 12250 at 28 CFR Part 41, (Redesignated and amended at 46 FR 40686, August 11, 1981), which requires DOJ to coordinate the implementation of section 504 with each Federal department and agency that is empowered to extend Federal financial assistance.

This final rule also has been coordinated with the Equal Employment Opportunity Commission (EEOC), pursuant to Executive Order 12067 (43 FR 18967, June 30, 1978). Executive Order 12067 requires that Federal agencies consult and coordinate with the EEOC during the development of rules, regulations, policies, procedures, and orders dealing with equal employment opportunity.

On November 6, 1978, the Congress amended section 504 to include "any program or activity conducted by an executive agency or by the United States Postal Service," and to require these agencies to "promulgate such regulations as may be necessary to carry out the amendments made by the Rehabilitation, Comprehensive Service, and Developmental Disabilities Act of 1978." The amendments made by the Rehabilitation, Comprehensive Service, and Developmental Disabilities Act of 1978 apply the rights, remedies and procedures of Title VI of the Civil Rights Act of 1964, (42 U.S.C. 2000d *et seq.*), to acts of discrimination arising under section 504. Title VI, however, does not apply to programs directly administered by Federal agencies. DOI will therefore develop and issue a separate set of regulations and procedures for the programs that it directly administers at a later date.

On April 13, 1979, DOI published its *Advance Notification of Rulemaking*, erroneously titled *Notice of Intent to Issue Final Rules*, inviting comments from all interested parties (See 44 FR 22372, April 13, 1979).

On April 8, 1980, the proposed rule to implement Section 504 was published by DOI, inviting all interested parties to submit comments within 60 days (See 45 FR 24074, April 8, 1980).

This rule is consistent with DOJ's implementation of Executive Order 12250, and 28 CFR Part 41. The language used in the DOI rule is similar to language adopted by DOJ in its regulations, in order to ensure Government-wide consistency. The Office of Interagency Coordination of the EEOC and the Civil Rights Division of the DOJ have reviewed these regulations prior to final publication. Many of the comments received by DOI concerned language in the proposed rule that could not be altered and remain consistent with DOJ's review standards. All comments received by DOI were reviewed and considered. The DOJ and EEOC are currently reviewing the section 504 coordinating guidelines originally issued by HEW/HHS. Until DOJ issues revised section 504 guidelines, DOI will continue to rely on precedents established by HEW/HHS. If the DOJ guidelines are revised, this rule will be amended accordingly and all such revisions made by DOI will conform to the goals of Executive Order 12291 (46 FR 13193).

This rule has been renumbered to facilitate alterations that have been made and inclusion with 43 CFR Part 17.

Many of the comments received concerned administrative details and matters of policy which are not properly

subjects of this rule. These administrative details and policy matters will be fully developed after the rule becomes final. Bureaus and offices are currently developing guidelines and technical assistance will be available to recipients.

Section 17.200 through 17.209 define important terms, and state in general that discriminatory practices are prohibited, as well as set forth compliance procedures, assurances required, grievance procedures, and notification procedures.

In response to several comments, some definitions have been added or amended. It should be noted that an alcoholic or drug addict may not be denied services or employment solely because of his/her condition; however, behavioral manifestations of the condition may be taken into account in determining whether a person is a "qualified handicapped individual." This amendment is designed to clarify the definition of a "qualified handicapped individual", and does not affect the substantive approach to determine whether a person qualifies under this definition. Vessels are included within the term "facility", although they are not specifically listed. Due to the nature of vessels, however, special methods may be employed in order to achieve program accessibility, in accordance with HEW's Policy Interpretation #4 (43 FR 36035, Aug. 14, 1978). Cooperative agreements are covered by this subpart and thus must comply with all provisions. The definition of "Historic Properties" has been revised, and definitions for "Integrated settings" and "Ultimate beneficiary" have been added.

The section on "Discrimination prohibited" applies generally; later sections set criteria and applications for specifically prohibited discriminatory practices. There were several comments concerning the retroactive application of this section. In accordance with HEW's Policy Interpretation #1, (43 FR 18631, May 1, 1978), DOI will investigate complaints of alleged discrimination that occurred after September 26, 1973, the date Section 504 became effective, and prior to the date this regulation becomes effective, if the complaints allege violations of the statute which do not need the interpretive language of this regulation for resolution. In compliance with HEW's Policy Interpretation #2 (43 FR 18631, May 2, 1978), the 180 day limitation period for complaints established by 43 CFR 17.6(c) will not be applied to acts of discrimination that occurred before the effective date of this regulation. The

limitation period will begin to run after the effective date.

Several comments expressed concern about possible conflicts between State and local law and the requirements of this regulation. The wording in the appropriate sections has been maintained to ensure consistency with the Government-wide regulations of DOJ. In response to questions concerning "assurances required", the words "similar" and "purpose" are standard and will be retained to maintain interdepartmental consistency. Some comments received expressed concern over the requirement that covenants be included in granting instruments, and possible conflicts with State law. HEW (later HHS) has determined that it will not accept a recipient's contention that it cannot comply with Section 504 because of the requirements of an inconsistent State or local law (See section-by-section analysis, 42 FR 22688, May 4, 1977). In order to maintain interdepartmental consistency, DOI will adhere to this policy.

Several comments expressed concern over the time period allowed for completion of self-evaluations and transition plans by recipients. The time frame has been changed to allow one year for both the self-evaluation and transition plan.

DOI received comments that disagreed with the different requirements for small and large recipients. All recipients must prepare self-evaluations and take remedial measures where necessary; however, only recipients with 15 or more employees must prepare and maintain on file for inspection, lists of interested persons consulted and descriptions of the areas examined and remedial steps taken. This has been done to reduce the burden on small recipients who do not have adequate personnel to maintain extensive files. However, HEW has stated in Policy Interpretation #3, (43 FR 36034, August 14, 1978), that there are no waivers from compliance with section 504, because there is enough flexibility in the section 504 regulations for small recipients to comply without undue expense. DOI emphasizes that if complaints are made that allege a small recipient has violated section 504 and these regulations, DOI will expect the recipient to provide documentation of its programs and activities and may thereafter require the recipient to maintain files in the same manner as is required of large recipients.

Another issue raised was whether a complainant must totally exhaust grievance procedures as they affect employees before recourse is sought

through DOI. HEW has stated that, although it is preferred that grievance procedures adopted by the recipient be utilized to the maximum extent possible, it is not required that they be totally exhausted by the complainant before recourse is sought through the rulemaking department. (See section-by-section analysis, 42 FR 22688, May 1, 1977).

In regard to several comments, DOI has amended the section on "Notification" to include persons with any disability that impairs the communication process.

The section on State and local law is consistent with language employed by HEW (later HHS) in 45 CFR Part 84 and 45 CFR Part 85 (45 CFR Part 85—Redesignated as 28 CFR Part 41, 46 FR 40686, August 11, 1981). This section applies to State and local laws that unjustifiably differentiate on the basis of handicap. (42 FR 22688, May 1, 1977).

It has been suggested to DOI that the 1978 amendments to section 504, Pub. L. 95-602, prohibit Federal departments from making their regulations applicable to employment practices unless the primary purpose of the Federal financial assistance is to provide employment programs. The Office of General Counsel of HEW disagrees with this interpretation of the 1978 amendments and has determined that the wording of the 1978 amendments was set to establish proper procedures and was not meant by Congress to prevent application of section 504 and these regulations to employment practices, (OGC memorandum from Albert T. Hamlin, Assistant General Counsel, Civil Rights, to David S. Tatel, entitled "Trageser v. Libbie Rehabilitation Center: Coverage of Employment under Sec. 504," January 25, 1979).

DOI received comments asking for clarification of the term "undue hardship." DOI has retained its original language to maintain consistency between these regulations and the criteria listed in DOJ's Government-wide regulations. Other comments suggested that DOI list specific activities that would constitute reasonable accommodations. While DOI is obligated to do so, it is not intended by DOI that this list be all-inclusive; it is only intended to give examples of reasonable accommodations. The concepts of reasonable accommodation, programmatic accessibility and undue hardship will be covered at length in the guidelines for these regulations.

DOI has amended the section on "Pre-employment inquiries" to require that recipients make clear to applicants the purpose for the inquiries.

Section 17.218 has been revised. This has been done in order to eliminate confusion regarding the appropriate coverage of the Architectural Barriers Act of 1968, Pub. L. 90-480, and section 504 of the Rehabilitation Act of 1973. The Architectural Barriers Act covers a narrow range of recipients: Those recipients whose facilities are designed, constructed, or altered with Federal funds and are subject to a construction statute whereby the Federal granting agency has the authority to set design standards. The coverage of section 504 is broader. It applies to all recipients of Federal financial assistance. Under section 504, the Architectural and Transportation Barriers Compliance Board (ATBCB), created by section 502 of the Act, does not have the legal authority to grant waivers from compliance. Although the granting agency may confer with the ATBCB, the Board will function in an advisory capacity. If the recipient is subject to section 504 and the Architectural Barriers Act, the recipient must follow the accessibility standards and waiver procedures of both Acts.

Referral by recipients to other programs, under the "Existing facilities" section, is intended by DOI and DOJ to be taken as a last resort. Recipients are to give priority to methods of compliance that provide accessibility and usability for the handicapped in the same setting as for the nonhandicapped. If there are no similar programs in the nearby area, referral is not an available method of compliance. This interpretation follows HEW's Policy Interpretation #3, (43 FR 36034, August 14, 1978).

Sections 17.220 and 17.232, regarding federally assisted education programs of the Department, were determined to be more encompassing than necessary for the Department's education programs. To reduce the volume and expense of this publication, DOI has adopted by cross-reference the section 504 rules promulgated by the Department of Education at 34 CFR Part 104, Subparts D and E, for preschool, elementary, secondary, and postsecondary education.

Some comments questioned the exclusion of programs administered by the Bureau of Indian Affairs. As stated before, pursuant to the 1978 Amendments to section 504 of the Rehabilitation Act, regulations for programs administered directly by DOI will be issued at a later date.

DOI has determined that the sections on employment practices are to be determinative of any problems concerning student employment.

DOI recognizes the Register for Interpreters for the Deaf as the national accrediting organization for all sign language interpreters. Therefore, when available, interpreters provided by recipients for beneficiaries with impaired hearing should be certified by the Register. The Register is located at 814 Thayer Avenue, Silver Spring, MD 20910, (301) 588-2406 (Voice and TTY).

A number of comments requested clarification of the term "significant assistance" provided by a recipient postsecondary educational institution to social organizations. "Significant assistance" has been interpreted by the National Association of College and University Business Officers, *Guide to Section 504 Self-Evaluation for Colleges and Universities*, p. 61 (1978) as "assistance without which an organization would no longer exist." DOI, in order to provide Government-wide consistency, will follow this interpretation.

DOI has completely revised the sections pertaining to "Historic preservation programs". The language used is consistent with the National Historic Preservation Act, Pub. L. 89-665, Executive Order 11593, and 36 CFR 800, and generally follows the regulations of the Advisory Council on Historic Preservation. It should be noted that the Advisory Council does not have the legal authority to grant waivers from compliance under section 504. If a recipient is subject to the Architectural Barriers Act, as well as section 504, the recipient must follow the waiver procedures of both Acts.

As revised § 17.260 provides that where a primary purpose of Federal assistance is to preserve historic properties, and alterations that are the only feasible means of providing access would cause a substantial impairment of significant historic features, a modification or waiver of the access standard may be sought. The Department will consult with the Advisory Council and the ATBCB on such waivers, in order to ensure consistency between the enforcement of section 504 and the statutes under which those agencies have responsibilities.

The Department emphasizes that modifications and waivers are applicable only to programs of historic preservation. Recipients of funds under programs that do not have a purpose of historic preservation are not eligible for modification or waivers of the requirements that these programs be accessible. DOI believes the program accessibility standard is flexible enough to make these programs accessible without impairing the integrity of historic buildings. Where, however, the

historic features of the building itself are integral to the purpose of the programs, situations may arise in which access can only be achieved at the expense of the objectives of the program. In these instances, modifications or waivers may be necessary.

The section on "Recreation programs" has been reinserted into the final rule. This has been done to clearly establish that this rule applies to recreation programs. Technical aspects of compliance are not the subject of this rule, and will be developed by the individual bureaus when the rule becomes final.

DOI policy requires that all meetings, seminars, and conferences sponsored by recipients of Federal financial assistance be accessible to individuals with disabilities. Accessibility is defined as both physical access to meeting, conference, and seminar sites, and aids and services to enable individuals with sensory disabilities to fully participate in meetings, conferences, and seminars.

If a recipient receives financial assistance from two or more Federal agencies, DOI will cooperate with other agencies to facilitate recipient compliance.

The Office of Management and Budget (OMB) has exempted this rule from the Regulatory Impact Analysis requirement under Executive Order 12291 of February 17, 1981 (Administrator for Information and Regulatory Affairs, OMB Memorandum, July 30, 1981). Executive Order 12291 requires Executive branch agencies to prepare Regulatory Impact Analyses for regulations that may have major economic consequences. The Order defines major economic consequences as (1) an annual effect on the economy of \$100 million dollars or more (for example, compliance costs that exceed \$100 million dollars) or (2) major increase in costs or prices for consumers, individual industries, levels of government or geographic regions or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States based enterprises to compete with foreign based enterprises in domestic or export markets.

The anticipated costs to recipients of DOI financial assistance appear to be concentrated in two areas: (1) The removal of architectural barriers; (2) reasonable modification of employment practices to accommodate the qualified handicapped as employees of recipients.

There is a present indication that the compliance cost of the proposed rule will not result in major economic

consequences within the meaning of Executive Order 12291.

Architectural Barriers: Structural changes for program accessibility are necessary primarily for persons with severe mobility-related handicaps—persons who cannot climb stairs or step over curbs, cannot open heavy doors, cannot travel without wheelchairs, and the like. Almost all these persons use wheelchairs or walkers. With respect to compliance costs associated with structural modifications, it is crucial to keep the following compliance standards in mind. First, under the requirements of this subpart, structural changes in existing facilities are required only where there is no other feasible way to make the recipient's program accessible to handicapped persons. For existing facilities, the key requirement is not a barrier free environment, but program accessibility. Second, not every existing facility or part of a facility in a program receiving Federal financial assistance from DOE must be accessible to the handicapped. The proposed rule requires only that, when viewed in its entirety, the program is readily accessible to handicapped persons. Where physical access to buildings, by the handicapped requires the construction of ramps, HEW found "after consultation with experts in the field, that outside ramps to buildings can be constructed quickly and at relatively low cost" (43 FR 22690, May 4, 1977). Whether the simple installation of ramps and appropriate restroom facilities in buildings will suffice depends upon the design of the facility, the nature and location of the program, and the availability of nonstructural modifications to provide program accessibility.

As to new construction, the available evidence indicates that compliance costs directly attributable to this rule may be modest for the following reasons.

First, all 50 States have architectural barriers statutes covering publicly funded buildings (where most DOI recipients are located), while at least 22 States additionally cover privately funded public buildings. The statutes of all 50 States cover new construction, while 35 States also cover renovations and alterations. Thus, since the issue is whether the proposed DOI regulations will themselves cause a "major" economic impact, it is noteworthy that most of what is required by this rule, in terms of preventing the creation of architectural barriers for the handicapped, already is required by existing State laws. Hence, to this extent the incremental DOI impact on

recipients would appear to be significantly reduced.

Second, the Architectural Barriers Act of 1968, as amended, 42 U.S.C. 4151 *et seq.*, requires that all buildings and facilities "financed in whole or in part by a grant or a loan made by the United States after August 12, 1968, are to be accessible to and usable by the physically handicapped." 42 U.S.C. 4151, "if the building or facility is subject to standards for design, construction or alteration issued under the law authorizing the grant or loan," 41 CFR 101-19.602(e)(3) (General Services Administration regulations).

Finally, applicants for DOI assistance may have previously received Federal financial assistance from other Federal agencies thereby requiring their compliance with section 504 independent of this subpart. Also, a substantial portion of Federal revenue sharing money has been allocated annually by State and local units of government. The revenue sharing funds are provided under the State and Local Fiscal Assistance Act of 1972, as amended, 31 U.S.C. 1221 *et seq.*, which was amended in 1976 to make section 504 of the Rehabilitation Act applicable to programs funded with revenue sharing monies received by State and local units of government after January 1, 1977.

Employment: The rule prohibits discrimination in employment against the handicapped by recipients of DOI financial assistance and, further, requires that recipients make "reasonable accommodation" to the handicaps of otherwise qualified applicants or incumbent employees. A reasonable accommodation in a given employment situation depends upon many variables involving the recipient, the job and the handicapped employee. The concept of reasonable accommodation used in this subpart refers only to job related needs. DOI, like its recipients, will have to deal with this issue on a case-by-case basis. However, HEW's economic impact statement on the compliance costs of section 504 for its recipients concluded that "our analysis strongly suggests that in the large majority of cases enforcement of reasonable accommodation will not result in any significant cost increase for employers." (41 FR 20332, May 17, 1976.) There is nothing to suggest a different result for employers functioning in programs receiving financial assistance from DOI. DOI's offices and bureaus were surveyed four times on the question of cost of implementation of this regulation. The consensus was that this

rule would not have a substantial financial impact.

This rule was published as a Proposed Rule before January 1, 1981 and thus is not covered by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). However, this rule does consider the problems of small entities and limits the burden placed on small entities.

The information collection requirements contained in this rule have been submitted to the OMB for approval as required by 44 U.S.C. 3507. The collection of such information will not be required until it has been approved by the OMB.

This rule does not apply to programs directly administered by DOI, however, the Department intends to soon issue such regulations. Meanwhile, these programs should comply with the requirements of section 504, and, use this rule as a guide in doing so.

On June 19, 1981, the Federal District Court in *Paralyzed Veterans of America v. Smith*, (No. CV 79-1979 C.D. Cal.), granted a preliminary injunction ordering several agencies, to publish "on an expedited basis" final regulations implementing section 504.

This final rule is being published pursuant to that order.

List of Subjects in 43 CFR Part 17

Civil Rights, Federal financial assistance, nondiscrimination.

Dated: April 30, 1982.

Donald Paul Hodel,
Under Secretary of the Interior.

PART 17—NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS OF THE DEPARTMENT OF THE INTERIOR

Accordingly, 43 CFR Part 17 is retitled *Nondiscrimination in Federally-Assisted Programs of the Department of the Interior*; 43 CFR 17.100 through 17.199 is redesignated Subpart A and retitled *Nondiscrimination on the Basis of Race, Color, or National Origin*; and a new Subpart B is added.

Subpart A—Nondiscrimination on the Basis of Race, Color, or National Origin

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Subpart B—Nondiscrimination on the Basis of Handicap

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 - 17.250 Health, welfare, and social services.
 - 17.251 Drug and alcohol addicts.
 - 17.252 Education of institutionalized persons.
 - 17.253-17.259 [Reserved]
 - 17.260 Historic preservation programs.
 - 17.270 Recreation programs.
 - 17.271-17.279 [Reserved]
 - 17.280 Enforcement procedures.
 - 17.281-299 [Reserved]

Authority: Section 504, Rehabilitation Act of 1973, Pub. L. 93-112, as amended by Pub. L. 95-602 (29 U.S.C. 794); sec. 111(a), Rehabilitation Act Amendments of 1974, Pub. L. 93-516, as amended by Pub. L. 95-602 (29 U.S.C. 706); Executive Order 12250, 45 FR 72995. Department of Justice, Implementation of Executive Order 12250, 28 CFR Part 41 (Redesignated and amended at 46 FR 40686); Sec. 606, Education of the Handicapped Act (20 U.S.C. 1405), as amended by Pub. L. 94-142, sec. 321, Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (42 U.S.C. 4581), as amended; sec. 407, Drug Abuse Office and Treatment Act of 1972 (21 U.S.C. 1174), as amended; National Historic Preservation Act of 1966, 16 U.S.C. 470 *et seq.*; Executive Order 11593, "Protection and Enhancement of the Cultural Environment," 36 FR 6921 (1971); and regulations for the "Protection of Historic and Cultural Properties," 36 FR Part 800.

§ 17.200 Purpose.

The purpose of this subpart is to implement Section 504 of the Rehabilitation Act of 1973 and its subsequent amendments, which are designed to eliminate discrimination on the basis of handicap in any program or activity receiving Federal financial assistance.

§ 17.201 Application.

This subpart applies to each recipient of Federal financial assistance from the Department of the Interior and to each program or activity that receives or benefits from such assistance.

§ 17.202 Definitions.

As used in this subpart, the term:

(a) "The Act" means the Rehabilitation Act of 1973, Pub. L. 93-112, as amended by the Rehabilitation Act Amendments of 1974, Pub. L. 93-516, and the Rehabilitation, Comprehensive Service, and Developmental Disabilities Act of 1978, Pub. L. 95-602, 29 U.S.C. 700 *et seq.*

(b) "Section 504" means Section 504 of the Act.

(c) "Education of the Handicapped Act" means that statute as amended by the Education for All Handicapped Children Act of 1975, Pub. L. 94-142, 20 U.S.C. 1401 *et seq.*

(d) "Department" means the Department of the Interior.

(e) "Director" means the Director of the Office for Equal Opportunity of the Department.

(f) "Recipient" means any State or its political subdivision, any instrumentality of a State or its political subdivision, any public or private agency, institution, organization, or other entity, or any person to which Federal financial assistance is extended directly or through another recipient, including any successor, assignee, or transferee of a recipient, but excluding the ultimate beneficiary of the assistance.

(g) "Applicant for assistance" means one who submits an application, request, or plan required to be approved by a Department official or by a recipient as a condition to becoming a recipient.

(h) "Federal financial assistance" means any grant, cooperative agreement, loan, contract (other than a procurement contract or a contract of insurance or guaranty), or any other arrangement by which the Department provides or otherwise makes available assistance in the form of:

- (1) Funds;
- (2) Services of Federal personnel; or
- (3) Real and personal property or any interest in or use of such property, including:

(i) Easements, transfers or leases of such property for less than fair market value or for reduced consideration; and

(ii) Proceeds from a subsequent transfer or lease of such property if the Federal share of its fair market value is not returned to the Federal Government.

(i) "Facility" means all or any portion of buildings, structures, equipment, roads, walks, parking lots, outdoor recreation and program spaces, park sites, developed sites, or other real or personal property or interest in such property.

(j) "Handicapped person." (1) Handicapped person means any person who (i) has a physical, mental or sensory impairment which substantially

limits one or more major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment.

(2) As used in paragraph (j)(1)(i) of this section, the phrase:

(i) "Physical, mental or sensory impairment" means (A) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or (B) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term "physical, mental or sensory impairment" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction, and alcoholism.

(ii) "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(iii) "Has a record of such an impairment" means has a history of, or has been misclassified as having a mental, physical or sensory impairment that substantially limits one or more major life activities.

(iv) "Is regarded as having an impairment" means (A) has a physical, mental or sensory impairment that does not substantially limit major life activities but that is treated by a recipient as constituting such a limitation; (B) has a physical, mental or sensory impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or (C) has none of the impairments defined in paragraph (j)(2)(i) of this section but is treated by a recipient as having such an impairment.

(k) "Qualified handicapped person" means:

(1) With respect to employment, a handicapped person who, with reasonable accommodation, can perform the essential functions of the job in question. Insofar as this Part relates to employment of handicapped persons, the term "handicapped person" does not include any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents such individual from performing the duties of the job in question or whose employment, by reason of such current

alcohol or drug abuse, would constitute a direct threat to property or the safety of others.

(2) With respect to public preschool, elementary, secondary, or adult education services, a handicapped person (i) of an age during which nonhandicapped persons are provided such services, (ii) of any age during which it is mandatory under State law to provide such services to handicapped persons, or (iii) to whom a State is required to provide a free appropriate public education under section 612 of the Education of the Handicapped Act.

(3) With respect to postsecondary and vocational education services, a handicapped person who meets the academic and technical standards requisite to admission or participation in the recipient's education program or activity.

(4) With respect to services, a handicapped person who meets the essential eligibility requirements for the receipt of such services.

(l) "Handicap" means any condition or characteristic that renders a person a handicapped person as defined in paragraph (j)(2)(i) of this section.

(m) "Integrated Setting" means that whenever possible, programs should be available to the handicapped in the same setting and under similar circumstances as are available to the nonhandicapped.

(n) "Ultimate Beneficiary" means one among a class of persons who are entitled to benefit from, or otherwise participate in, programs receiving Federal financial assistance and to whom the protections of this subpart extend. The ultimate beneficiary class may be the general public or some narrower group of persons.

(o) "Advisory Council" means the Advisory Council on Historic Preservation.

(p) "ATBCB" means the Architectural and Transportation Barriers Compliance Board, an agency empowered by the Architectural Barriers Act of 1968 (Pub. L. 90-480) to establish accessibility standards under section 502.

§ 17.203 Discrimination prohibited.

(a) *General.* No qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from Federal financial assistance.

(b) *Discriminatory actions prohibited.*
(1) A recipient, in providing any aid, benefit, or service, may not, directly or

through contractual, licensing, or other arrangements, on the basis of handicap:

- (i) Deny a qualified handicapped person the opportunity to participate in or benefit from the aid, benefit, or service;
 - (ii) Afford a qualified handicapped person an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;
 - (iii) Provide a qualified handicapped person with an aid, benefit, or service that is not as effective as that provided to others;
 - (iv) Provide different or separate aids, benefits or services to handicapped persons or to any class of handicapped persons unless such action is necessary to provide qualified handicapped persons with aid, benefits, or services that are as effective as those provided to others;
 - (v) Aid or perpetuate discrimination against a qualified handicapped person by providing significant assistance to an agency, organization, or person that discriminates on the basis of handicap in providing any aid, benefit, or services to beneficiaries of the recipient's program;
 - (vi) Deny a qualified handicapped person the opportunity to participate as a member of planning or advisory boards; or
 - (vii) Otherwise limit a qualified handicapped person in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving an aid, benefit, or service.
- (2) Aids, benefits, and services, to be equally effective, are not required to produce the identical result of level of achievement for handicapped and nonhandicapped persons, but must afford handicapped persons equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement, in the most integrated setting appropriate to the person's needs.
- (3) Despite the existence of separate or different programs or activities, a recipient may not deny a qualified handicapped person the opportunity to participate in all programs or activities covered by this subpart that are not separate or different.
- (4) A recipient may not, directly or through contractual or other arrangements, utilize criteria or methods of administration (i) that have the effect of subjecting qualified handicapped persons to discrimination on the basis of handicap, (ii) that have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the recipient's program with respect to handicapped persons, or

(iii) that perpetuate the discrimination of another recipient if both recipients are subject to common administrative control or are agencies of the same State.

(5) In determining the site or location of a facility, an applicant for assistance or a recipient may not make selections (i) that have the effect of excluding handicapped persons from, denying them the benefits of, or otherwise subjecting them to discrimination under any program or activity that receives or benefits from Federal financial assistance or (ii) that have the purpose of effect of defeating or substantially impairing the accomplishment of the objectives of the program or activity with respect to handicapped persons.

(6) As used in this section, the aid, benefit, or services provided under a program or activity receiving or benefiting from Federal financial assistance includes any aid, benefit, or service provided in or through a facility that has been constructed, expanded, altered, leased or rented, or otherwise acquired, in whole or in part, with Federal financial assistance for the period during which the facility is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.

(7) Nothing in this section is to be construed as affecting the acquisition of historic sites or wilderness areas.

(c) *Programs limited by Federal law.* The exclusion of nonhandicapped persons from the benefits of a program limited by Federal statute or Executive Order to handicapped persons or the exclusion of a specific class of handicapped persons from a program limited by Federal statute or Executive Order to a different class of handicapped persons is not prohibited by this subpart.

(d) Recipients shall take appropriate steps to insure that communications with their applicants, employees, and beneficiaries are available to persons with impaired vision and hearing.

§ 17.204 Assurances required.

(a) *Assurances.* An applicant for Federal financial assistance for a program or activity to which this subpart applies shall provide assurances, in accordance with OMB Circular A-102, that the program will be operated in compliance with this subpart. An applicant may incorporate these assurances by reference in subsequent applications to the Department.

(b) *Duration of obligation.* (1) In the case of Federal financial assistance extended in the form of real property or

to provide real property or structures on the property, the assurance will obligate the recipient or, in the case of a subsequent transfer, the transferee, for the period during which the real property or structures are used for the purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.

(2) In the case of Federal financial assistance extended to provide personal property, the assurance will obligate the recipient for the period during which it retains ownership or possession of the property.

(3) In all other cases the assurance will obligate the recipient for the period during which Federal financial assistance is extended.

(c) *Covenants.* (1) Where Federal financial assistance is provided in the form of real property or interest in the property from the Department, the instrument effecting or recording this transfer shall contain a covenant running with the land to assure nondiscrimination for the period during which the real property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.

(2) Where no transfer of property is involved but property is purchased or improved with Federal financial assistance, the recipient shall agree to include the covenant described in paragraph (c)(1) of this section in the instrument effecting or recording any subsequent transfer of the property.

(3) Where Federal financial assistance is provided in the form of real property or interest in the property from the Department, the covenant shall unless prohibited by the conveyance authority, also include a condition coupled with a right to be reserved by the Department to revert title to the property in the event of a breach of the covenant. If a transferee of real property proposes to mortgage or otherwise encumber the real property as security for financing construction of new, or improvement of existing, facilities on the property for the purposes for which the property was transferred, the Director may, upon request of the transferee and if necessary to accomplish such financing and upon such conditions as he or she deems appropriate, agree to forbear the exercise of such right to revert title for so long as the lien of such mortgage or other encumbrance remains effective.

(4) Every application by a State or any agency or political subdivision of a State to carry out a program involving continuing Federal financial assistance

shall as a condition to its approval and the extension of any Federal financial assistance pursuant to the application (i) contain or be accompanied by a statement that the program is (or, in the case of a new program, will be) conducted in compliance with all requirements imposed by or pursuant to this subpart, or a statement of the extent to which it is not, at the time the statement is made, so conducted, and (ii) provide or be accompanied by provision for such methods of administration for the program as are found by the Secretary or his designee to give reasonable assurance that the applicant and all recipients of Federal financial assistance under such program will comply with all requirements imposed by or pursuant to this regulation, including methods of administration which give reasonable assurance that any noncompliance indicated in the statement under subsection (i) of this subparagraph will be corrected.

§ 17.205 Remedial action, voluntary action, and self-evaluation.

(a) *Remedial action.* (1) If the Director finds that a recipient has discriminated against persons on the basis of handicap in violation of Section 504 or this subpart, the recipient shall take such remedial action as the Director deems necessary to overcome the effects of the discrimination.

(2) Where a recipient is found to have discriminated against persons on the basis of handicap in violation of Section 504 or this subpart and where another recipient exercises control over the recipient that has discriminated, the Director, where appropriate, may require either or both recipients to take remedial action.

(3) The Director may, where necessary to overcome the effects of discrimination in violation of Section 504 or this subpart, require a recipient to take remedial action (i) with respect to handicapped persons who are no longer participants in the recipient's program but who were participants in the program when such discrimination occurred or (ii) with respect to handicapped persons who would have been participants in the program had the discrimination not occurred.

(b) *Voluntary action.* A recipient may take steps, in addition to any action that is required by this subpart, to overcome the effects of conditions that resulted in limited participation in the recipient's program or activity by qualified handicapped persons.

(c) *Self-evaluation.* (1) A recipient shall, within one year of the effective date of this subpart:

(i) Evaluate, with the assistance of interested persons, including handicapped persons or organizations representing handicapped persons, its current policies and practices and the effects thereof that do not or may not meet the requirements of this subpart;

(ii) Modify, after consultation with interested persons, including handicapped persons or organizations representing handicapped persons, any policies and practices that do not meet the requirements of this subpart; and

(iii) Take, after consultation with interested persons, including handicapped persons or organizations representing handicapped persons, appropriate remedial steps to eliminate the effects of any discrimination that resulted from adherence to these policies and practices.

(2) A recipient that employs fifteen or more persons shall, for at least three years following completion of the evaluation required under paragraph (c)(1) of this section, maintain on file, make available for public inspection, and provide to the Director upon request: (i) a list of the interested persons consulted, (ii) a description of areas examined and any problems identified, and (iii) a description of any modifications made and of any remedial steps taken.

(3) A recipient, whose application is approved after the effective date of this regulation, shall within one year of receipt of the Federal financial assistance, be required to comply with the provisions of this section.

§ 17.206 Designation of responsible employee and adoption of grievance procedures.

(a) *Designation of responsible employee.* A recipient that employs fifteen or more people shall designate at least one person to coordinate efforts to comply with this subpart.

(b) *Adoption of grievance procedures.* A recipient that employs fifteen or more people shall adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by this subpart. Such procedures need not be established with respect to complaints from applicants for employment or from applicants for admission to postsecondary educational institutions.

§ 17.207 Notification.

(a) A recipient that employs fifteen or more people shall take appropriate initial and continuing steps to notify participants, beneficiaries, applicants, and employees, including those with

impaired vision or hearing, the mentally retarded, the learning disabled, and any other disability that impairs the communication process, and unions or professional organizations holding collective bargaining or professional agreements with the recipient, that it does not discriminate on the basis of handicap in violation of section 504 and this subpart. The notification shall state, where appropriate, that the recipient does not discriminate in admission or access to, or treatment or employment in, its programs and activities. The notification shall also include an identification of the responsible employee designated pursuant to § 17.206(a). A recipient shall make the initial notification required by this paragraph within 90 days of the effective date of this subpart. Methods of initial and continuing notification may include the posting of notices in recipients' publications, and distribution of memoranda or other written communications.

(b) If a recipient publishes or uses recruitment materials or publications containing general information that it makes available to participants, beneficiaries, applicants, or employees, it shall include in those materials or publications a statement of the policy described in paragraph (a) of this section. A recipient may meet the requirement of this paragraph either by including appropriate inserts in existing materials and publications or by revising and reprinting the materials and publications.

§ 17.208 Administrative requirements for small recipients.

The Director may require any recipient with fewer than fifteen employees, or any class of such recipients, to comply with §§ 17.206 and 17.207, in whole or in part, when the Director finds a violation of this subpart or finds that such compliance will not significantly impair the ability of the recipient or class of recipients to provide benefits or services.

§ 17.209 Effect of State or local law or other requirements and effect of employment opportunities.

(a) The obligation to comply with this subpart is not obviated or alleviated by the existence of any State or local law or other requirement that, on the basis of handicap, imposes prohibitions or limits upon the eligibility of qualified handicapped persons to receive services or to practice any occupation or profession.

(b) The obligation to comply with this subpart is not obviated or alleviated

because employment opportunities in any occupation or profession are or may be more limited for handicapped persons than for nonhandicapped persons.

§ 17.210 Employment practices.

(a) *General.* (1) No qualified handicapped person shall, on the basis of handicap, be subjected to discrimination in employment under any program or activity to which this subpart applies.

(2) A recipient that receives assistance under the Education of the Handicapped Act shall take positive steps to employ and advance in employment qualified handicapped persons in programs assisted under the Act.

(3) A recipient shall make all decisions concerning employment under any program or activity to which this subpart applies in a manner which insures that discrimination on the basis of handicap does not occur, and may not limit, segregate, or classify applicants or employees in any way that adversely affects their opportunities or status because of handicap.

(4) A recipient may not participate in a contractual or other relationship that has the effect of subjecting qualified handicapped applicants or employees to discrimination prohibited by this subpart. The relationships referred to in this subparagraph include relationships with employment and referral agencies, with labor unions, with organizations providing or administering fringe benefits to employees of the recipient, and with organizations providing training and apprenticeship programs.

(b) *Specific activities.* The provisions of this subpart apply to:

(1) Recruitment, advertising, and the processing of applications for employment;

(2) Hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff, and rehiring;

(3) Rates of pay or any other form of compensation and changes in compensation;

(4) Job assignments, job classifications, organizational structures, position descriptions, lines of progressions, and seniority lists;

(5) Leaves of absence, sick leave, or any other leave;

(6) Fringe benefits available by virtue of employment, whether or not administered by the recipient;

(7) Selection and financial support for training, including apprenticeship, professional meetings, conferences, and other related activities, and selection for leaves of absence to pursue training;

(8) Employer-sponsored activities, including social or recreation programs; and

(9) Any other term, condition, or privilege of employment, such as granting awards, recognition and/or monetary recompense for money-saving suggestions or superior performance.

(c) A recipient's obligation to comply with this subpart is not affected by any inconsistent term of any collective bargaining agreement to which it is a party.

§ 17.211 Reasonable accommodation.

(a) A recipient shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified handicapped applicant or employee unless the recipient can demonstrate that the accommodation would impose an undue hardship on the operation of its program.

(b) Reasonable accommodation may include but is not limited to: (1) making facilities used by employees readily accessible to and usable by handicapped persons, and (2) job restructuring, part-time or modified work schedules, acquisition or modification of equipment or devices, the provision of readers or interpreters, and other similar actions. This list is neither all inclusive nor meant to suggest that employers must follow all the actions listed.

(c) In determining pursuant to paragraph (a) of this section whether an accommodation would impose an undue hardship on the operation of a recipient's program, factors to be considered include:

(1) The overall size of the recipient's program with respect to number of employees, number and type of facilities, and size of budget;

(2) The type of the recipient's operations, including the composition and structure of the recipient's workforce; and

(3) The nature and cost of the accommodation needed.

(d) A recipient may not deny any employment opportunity to a handicapped employee or applicant if the basis for denial is the need to make reasonable accommodation to the physical or mental limitations of the employee or applicant.

§ 17.212 Employment criteria.

(a) A recipient may not make use of any employment test or other selection criterion that screens out or tends to screen out handicapped persons or any class of handicapped persons unless it can be demonstrated to the Director that (1) the test score or other selection criterion, as used by the recipient, is

shown to be job-related for the position in question, and (2) alternative job-related tests or criteria that do not screen out or tend to screen out as many handicapped persons are not shown by the Director to be available.

(b) A recipient shall select and administer tests concerning employment so as best to ensure that, when administered to an applicant or employee who has a handicap that impairs sensory, manual, or speaking skills the test results accurately reflect the applicant's or employee's job skills, aptitude, or whatever other factor the test purports to measure, rather than reflecting the applicant's or employee's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

(c) All job qualifications must be shown to be directly related to the job in question.

§ 17.213 Pre-employment inquiries.

(a) Except as provided in paragraphs (b) and (c) of this section, a recipient may not conduct a pre-employment medical examination or make a pre-employment inquiry as to whether the applicant is a handicapped person or as to the nature or severity of a handicap. A recipient may, however, make a pre-employment inquiry into an applicant's ability to perform job-related functions.

(b) When a recipient is taking remedial action to correct the effects of past discrimination pursuant to § 17.205(a), when a recipient is taking voluntary action to overcome the effects of conditions that resulted in limited participation in its federally assisted program or activity pursuant to § 17.205(b), or when a recipient is taking affirmative action pursuant to section 503 of the Act, the recipient may invite applicants for employment to indicate whether and to what extent they are handicapped, provided that:

(1) The recipient states clearly on any written questionnaire used for this purpose, or makes clear orally if no written questionnaire is used, that the information requested is intended for use solely in connection with its remedial action obligations or its voluntary or affirmative action efforts.

(2) The recipient states clearly that the information is being requested on a voluntary basis, that it will be kept confidential as provided in paragraph (d) of this section, that refusal to provide it will not subject the applicant or employee to any adverse treatment, and that it will be used only in accordance with this subpart.

(3) The recipient must communicate with the applicant in a manner that will ensure that the applicant understands clearly the reasons for the recipient's questions.

(c) Nothing in this section shall prohibit a recipient from conditioning an offer of employment on the results of a medical examination conducted prior to the employee's entrance on duty, provided that: (1) All entering employees are subjected to such an examination regardless of handicap, and (2) the results of such an examination are used only in accordance with the requirements of this subpart.

(d) Information obtained in accordance with this section as to the medical condition or history of the applicant shall be collected and maintained on separate forms that shall be accorded confidentiality as medical records, except that:

(1) Supervisors and managers may be informed regarding restrictions on the work or duties of handicapped persons and regarding necessary accommodations;

(2) First aid and safety personnel may be informed, where appropriate, if the condition might require emergency treatment;

(3) Government officials investigating compliance with the Act shall be provided relevant information upon request.

§§ 17.214-17.215 [Reserved]

§ 17.216 Program accessibility.

No handicapped person shall, because a recipient's facilities are inaccessible to or unusable by handicapped persons, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which this subpart applies.

§ 17.217 Existing facilities.

(a) *Program accessibility.* A recipient shall operate each program or activity so that the program or activity, when viewed in its entirety, is readily accessible to and usable by handicapped persons. This paragraph does not require a recipient to make each of its existing facilities or every part of a facility accessible to and usable by handicapped persons.

(b) *Methods.* A recipient may comply with the requirements of paragraph (a) of this section through such means as redesigning of equipment, reassignment of classes or other services to accessible buildings, assignment of aides to beneficiaries, delivery of services at alternate accessible sites, alterations of existing facilities and construction of

new facilities in conformance with the requirements of § 17.218, or any other methods that result in making its program or activity accessible to handicapped persons. A recipient is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with paragraph (a) of this section. In choosing among available methods for meeting the requirement of paragraph (a) of this section, a recipient shall give priority to those methods that offer programs and activities to handicapped persons in the most integrated setting appropriate.

(c) *Small recipients.* If a recipient with fewer than fifteen employees that provides services finds, after consultation with a handicapped person seeking its services, that there is no method of complying with paragraph (a) of this section other than making a significant alteration in its existing facilities, the recipient may, as an alternative, refer the handicapped person to other providers of those services whose facilities are accessible.

(d) *Time period.* A recipient shall comply with the requirement of paragraph (a) of this section within sixty days of the effective date of this subpart except that where structural changes in facilities are necessary, such changes shall be made as expeditiously as possible, but in no event later than three years after the effective date of this subpart. New recipients receiving Federal financial assistance shall comply with the requirement of paragraph (a) of this section, except that where structural changes in facilities are necessary, such changes shall be made as expeditiously as possible, but in no event later than three years after the date of approval of the application.

(e) *Transition plan.* In the event that structural changes to facilities are necessary to meet the requirement of paragraph (a) of this section a recipient shall develop, within one year of the effective date of this subpart, a transition plan setting forth the steps necessary to complete such changes. New recipients, receiving financial assistance after the effective date of this regulation, shall develop a transition plan within one year of receipt of the financial assistance. The plan shall be developed with the assistance of interested persons, including handicapped persons or organizations representing handicapped persons. A copy of the transition plan shall be made available for public inspection. The plan shall, at a minimum:

(1) Identify physical obstacles in the recipient's facilities that limit the

accessibility of its program or activity to handicapped persons;

(2) Describe in detail the methods that will be used to make the facilities accessible and usable;

(3) Specify the schedule for taking the steps necessary to achieve full program accessibility and, if the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period; and

(4) Indicate the person responsible for implementation of the plan.

(f) *Notice.* The recipient shall adopt and implement procedures to insure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of services, activities, and facilities that are accessible to and usable by handicapped persons.

§ 17.218 New construction.

(a) *Design and construction.* Each facility or part of a facility constructed by, on behalf of, or for the use of a recipient shall be designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by handicapped persons, if the construction was commenced after the effective date of this subpart.

(b) *Alteration.* Each facility or part of a facility which is altered by, on behalf of, or for the use of a recipient after the effective date of this subpart, in a manner that affects or could affect the usability of the facility or part of the facility shall, to the maximum extent feasible, be altered in such manner that the altered portion of the facility is readily accessible to and usable by handicapped persons.

(c) *Accessibility standards.* Each facility or part of a facility designed or constructed after the effective date of this subpart shall be designed and constructed in accordance with 36 CFR 1190.31, *Accessible buildings and facilities: New Construction*, of the "Minimum Guidelines and Requirements for Accessible Design," issued by the ATBCB. Each addition to an existing facility after the effective date of this subpart shall be designed and constructed in accordance with 36 CFR 1190.32, *Accessible buildings and facilities: Additions*. Any alterations to a facility after the effective date of this subpart shall be designed and constructed in accordance with 36 CFR 1190.33, *Accessible buildings and facilities: Alterations*. Departures from the requirements of 36 CFR 1190.31-33 by use of other methods will be permitted when it is evident that the

method will provide access to and use of the facility which is equivalent to or better than that which would be provided by following the "Minimum Guidelines and Requirements for Accessible Design."

§ 17.219 [Reserved]

§ 17.220 **Preschool, elementary and secondary education.**

This section applies to preschool, elementary, secondary, and adult education programs and activities that receive or benefit from Federal financial assistance, and to recipients that operate, or that receive or benefit from Federal financial assistance for the operation of such programs or activities. For the purposes of this section, recipients shall comply with the Section 504 requirements promulgated by the Department of Education at 34 CFR 104, Subpart D.

§§ 17.221-17.231 [Reserved]

§ 17.232 **Postsecondary education.**

This section applies to postsecondary education and activities, including postsecondary vocational education programs and activities, that receive or benefit from Federal financial assistance and to recipients that operate, or that receive or benefit from Federal financial assistance for the operation of such programs or activities. For the purposes of this section, all recipients shall comply with the Section 504 requirements promulgated by the Department of Education at 34 CFR 104, subpart E.

§§ 17.239-17.249 [Reserved]

§ 17.250 **Health, welfare, and social services.**

This subpart applies to health, welfare, and other social service programs and activities that receive or benefit from Federal financial assistance and to recipients that operate, or that receive or benefit from Federal financial assistance for the operation of such programs or activities.

(a) *General.* In providing health, welfare, or other social services or benefits, a recipient may not, on the basis of handicap:

- (1) Deny a qualified handicapped person these benefits or services;
- (2) Afford a qualified handicapped person an opportunity to receive benefits or services that is not equal to that offered nonhandicapped persons;
- (3) Provide a qualified handicapped person with benefits or services that are not as effective, as defined in § 17.203(b), as the benefits or services provided to others;

(4) Provide benefits or services in a manner that limits or has the effect of limiting the participation of qualified handicapped persons; or

(5) Provide different or separate benefits or services to handicapped persons except where necessary to provide qualified handicapped persons with benefits and services that are as effective as those provided to others.

(b) *Notice.* A recipient that provides notice concerning beneficiaries or services, or written material concerning waivers of rights or consent to treatment, shall take such steps as are necessary to insure that qualified handicapped persons, including those with impaired sensory or speaking skills, are not denied effective notice because of their handicap.

(c) *Emergency treatment for the hearing impaired.* A recipient hospital that provides health services or benefits shall establish a procedure for effective communication with persons with impaired hearing for the purpose of providing emergency health care.

(d) *Auxiliary aids.* (1) A recipient that employs fifteen or more persons shall provide appropriate auxiliary aids to persons with impaired sensory, manual, or speaking skills, where necessary to afford such persons an equal opportunity to benefit from the service in question.

(2) The Director may require recipients with fewer than fifteen employees to provide auxiliary aids where the provision of aids would not significantly impair the ability of the recipient to provide its benefits or services.

(3) For the purpose of this paragraph, auxiliary aids may include brailled and taped material, interpreters, visual aids, and other aids for persons with impaired hearing or vision.

§ 17.251 **Drug and alcohol addicts.**

A recipient that operates a general hospital or outpatient facility may not discriminate in admission or treatment against a drug or alcohol abuser or addict who is suffering from a medical condition, because of the person's drug or alcohol abuse or addiction.

§ 17.252 **Education of institutionalized persons.**

A recipient that operates or supervises a program or activity for persons who are institutionalized because of handicap shall ensure that each qualified handicapped person, as defined in § 17.202(d)(2), in its program or activity is provided an appropriate education, as defined in the regulation set forth by the Department of Education at 34 CFR 104.33(b). Nothing in this

section shall be interpreted as altering in any way the obligations of recipients under § 17.216.

§§ 17.253-17.259 [Reserved]

§ 17.260 **Historic preservation programs.**

(a) *Definitions.* For the purposes of this section, the term "Historic preservation programs" means programs receiving Federal financial assistance that has preservation of historic properties as a primary purpose.

"Historic properties" means those properties that are listed or eligible for listing in the *National Register of Historic Places*. "Substantial impairment" means a permanent alteration that results in a significant loss of the integrity of finished materials, design quality or special character.

(b) *Obligations.* (1) In the case of historic preservation programs, program accessibility means that, when viewed in its entirety, a program is readily accessible to and usable by qualified handicapped persons. This paragraph does not necessarily require a recipient to make each of its existing historic properties or every part of an historic property accessible to and usable by qualified handicapped persons. Methods of achieving program accessibility include:

(i) Making physical alterations which enable qualified handicapped persons to have access to otherwise inaccessible areas or features of historic properties;

(ii) Using audio-visual materials and devices to depict otherwise inaccessible areas or features of historic properties;

(iii) Assigning persons to guide qualified handicapped persons into or through otherwise inaccessible portions of historic properties;

(iv) Adopting other innovative methods to achieve program accessibility.

Because the primary benefit of an historic preservation program is the experience of the historic property itself, in taking steps to achieve program accessibility, recipients shall give priority to those means which make the historic property, or portions thereof, physically accessible to handicapped individuals.

(2) Where program accessibility cannot be achieved without causing a substantial impairment of significant historic features, the Secretary may grant a waiver of the program accessibility requirement. In determining whether program accessibility can be achieved without causing a substantial impairment, the

Secretary shall consider the following factors:

- (i) Scale of property, reflecting its ability to absorb alterations;
- (ii) Use of the property, whether primarily for public or private purpose;
- (iii) Importance of the historic features of the property to the conduct of the program; and,
- (iv) Cost of alterations in comparison to the increase in accessibility.

The Secretary shall periodically review any waiver granted under this section and may withdraw it if technological advances or other changes so warrant.

(c) *Advisory Council Comments.* Where the property is federally owned or where Federal funds may be used for alterations, the comments of the Advisory Council on Historic Preservation shall be obtained when required by section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and 36 CFR Part 800, prior to effectuation of structural alterations.

§ 17.270 Recreation programs.

This section applies to recreation programs that receive or benefit from Federal financial assistance and to recipients that operate, or that receive or benefit from Federal financial assistance for the operation of such programs or activities.

(a) *Accessibility in existing recreation facilities.*

In the case of existing recreation facilities, accessibility of programs or activities shall mean accessibility of programs or activities when viewed in their entirety as provided at § 17.217. When it is not reasonable to alter natural and physical features, the following other methods of achieving accessibility may include, but are not limited to:

- (1) Reassigning programs to accessible locations.
- (2) Delivering programs or activities at alternate accessible sites operated by or available for such use by the recipient.

(3) Assignments of aides to beneficiaries.

(4) Construction of new facilities in conformance with the requirements of 17.218.

(5) Other methods that result in making the program or activity accessible to handicapped persons.

§§ 17.271-17.279 [Reserved]

§ 17.280 Enforcement procedures.

The compliance and enforcement provisions applicable to Title VI of the Civil Rights Act of 1964 apply to this subpart. These procedures are found in 43 CFR Part 17, Subpart A, 17.5-17.11 and 43 CFR Part 4, Subpart I.

§§ 17.281-17.299 [Reserved]

[FR Doc. 82-18358 Filed 7-6-82; 8:45 am]

BILLING CODE 4310-10-M

Bureau of Land Management

43 CFR Public Land Order 6292

[LA 0155887]

California; Partial Revocation of Reclamation Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order will revoke the reclamation withdrawals from approximately 31,245 acres of land and will simultaneously restore and open the land to operation of the public land laws, including the mining laws.

EFFECTIVE DATE: August 4, 1982.

FOR FURTHER INFORMATION CONTACT: Marie M. Getsman, California State Office, 916-484-4431.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Secretarial Orders of April 9, 1909, February 28, 1918, and June 4, 1930,

withdrawing lands for the Yuma Project and Colorado River Storage Project are hereby revoked insofar as they affect the following described lands:

San Bernardino Meridian

T. 14 S., R. 18 E., partially surveyed,

Secs. 4 to 6, inclusive;

Secs. 8 to 10, inclusive;

Secs. 14 and 15;

Secs. 21 to 23, inclusive;

Secs. 25 to 27, inclusive;

Sec. 35, All;

Sec. 36, Lots 1, 2, 3, and 4, S½NW¼, and N½SW¼;

Secs. 37 to 58, inclusive (protracted).

T. 15 S., R. 18 E., partially surveyed,

Secs. 1 and 2;

Sec. 12, All.

T. 15 S., R. 19 E., partially surveyed,

Secs. 3 to 11, inclusive.

The area described contains approximately 31,245 acres in Imperial County.

2. At 10 a.m. on August 4, 1982, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on August 4, 1982, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m. on August 4, 1982, the lands will be open to location under the United States mining laws. The lands have been and continue to be open to applications and offers under the mineral and geothermal leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, Room E-2811, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

June 29, 1982.

[FR Doc. 82-18355 Filed 7-6-82; 8:45 am]

BILLING CODE 4310-84-M

Proposed Rules

Federal Register

Vol. 47, No. 130

Wednesday, July 7, 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.

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Parts 303, 304, and 347

Applications, Requests, Submittals, and Notices of Acquisition of Control Forms, Instructions, and Reports; Foreign Activities of Insured State Nonmember Banks

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Proposed rule.

SUMMARY: The Board of Directors of the Federal Deposit Insurance Corporation (FDIC) is proposing to amend the application procedures for branches (including remote service facilities) and relocations of insured State nonmember banks to require that, in most cases, applicants would file only a letter containing certain specified information. No public notice of the bank's proposed action would be required. Authority to approve these applications would continue to be delegated to the Directors of DBS with a redelegation to regional directors, although criteria for delegation would be revised. Processing time should be shortened, and the burden on the applicants should be lessened. The procedures which apply to consent to establish and operate and to relocate foreign branches would also be changed by virtue of these amendments. Both delegations and public notice requirements for all deposit insurance applications would also be affected. In addition, the requirement that the applicant provide the FDIC with a certificate from the publisher where notice to the public is required for merger applications would be deleted.

DATE: Comments must be submitted on or before September 7, 1982.

ADDRESS: Comments may be mailed to Hoyle L. Robinson, Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429.

FOR FURTHER INFORMATION CONTACT: Robert F. Mialovich, Assistant Director,

Division of Bank Supervision, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429 (202) 389-4677.

SUPPLEMENTARY INFORMATION: As part of a general thrust to reduce the burden on banks and to lessen the time for processing applications while still conforming to its statutory mandates, the FDIC is proposing to amend its regulations. The changes deal primarily with applications to establish branches (including remote service facilities) and with applications to relocate. The changes in procedures would apply not only to domestic facilities of U.S. banks, but also to foreign facilities of U.S. banks. (Applications to establish insured branches of foreign banks are ordinarily treated as deposit insurance applications.)

Pursuant to section 18(d)(1) of the Federal Deposit Insurance Act ("FDI Act") (12 U.S.C. 1828(d)(1)), the FDIC must base its prior written consent to establish a domestic branch or to effect a relocation on consideration of the six factors as stated in section 6 of the FDI Act (12 U.S.C. 1816). Those factors are: "the financial history and condition of the bank, the adequacy of its capital structure, its future earnings prospects, the general character of its management, the convenience and needs of the community to be served by the bank and whether or not its corporate powers are consistent with the purposes of [the FDI Act]." In addition, these "statutory factors" must be supplemented in the case of domestic facilities by consideration of the requirements of the Community Reinvestment Act ("CRA," 12 U.S.C. 2901 *et seq.*), the National Historic Preservation Act of 1966 ("NHPA," 16 U.S.C. 470 *et seq.*), and the National Environmental Policy Act of 1969 ("NEPA," 42 U.S.C. 432 *et seq.*) It is contemplated that these considerations for branches and relocations may ordinarily be adequately evaluated by the FDIC based on information already available to it. The new procedures contemplate that in most cases an applicant would submit only a letter containing information on the exact location of the proposed facility and on any involvement of an insider in the proposal, and, in the case of domestic facilities on conformity with NEPA and NHPA. Additional information may be requested when needed for adequate

consideration of the application. Existing forms will continue to be available for use in whole or in part when the information requested in the forms is needed for evaluation of the application by the FDIC. The forms will also continue to be available for use by State authorities. Changes to conform to these proposals would occur at § 303.2, 303.3, 303.9(b), 304.3 (f), (g), and (h), and 303.14 (f).

Substantial changes would be made in regard to two other procedural aspects: delegations of authority to act on applications and publication of notice to the public by the applicant. A number of changes from present delegation format are proposed. The existing general delegation to the Director of the Division of Bank Supervision and from him or her to the regional director for branches and relocations would continue to exist. There would, however, be amendments to the limitations on these and other delegations. At § 303.12(a)(1), it is contemplated that certain standard conditions may be imposed in the case of approvals of branch and relocation applications under delegated authority, as well as in the case of approvals of deposit insurance applications. In applications for branches, relocations, and deposit insurance, if conditions other than these standard conditions are to be imposed, then authority would not be delegated by the Board of Directors. The delegation will no longer allow the imposition of a condition agreed to in writing by the bank. An amendment to § 303.12(a)(2) would reflect the fact that only in the case of merger applications would prior approval of the State, if such approval is required, be a prerequisite. In regard to delegations to approve branches, the list of factors at § 303.12(c) (in addition to the six statutory factors) will limit the delegated authority to act on branches (including remote service facilities) which is stated generally at § 303.11(a)(7). The list of factors is itself also being amended.

Changes, both substantive and technical, are proposed throughout § 303.14 (b) and (d) to accommodate the proposal that no public notice will be required by any applicant, except in the case of applications subject to the Bank Merger Act. The requirement of public notice of an applicant's intent is not mandated by statute, except for applications made pursuant to the Bank

Merger Act, section 18(c) of the FDI Act (12 U.S.C. 1828(c)). It is therefore proposed that the requirement be eliminated for all other applications and that for merger applications a certificate from the publisher attesting to publication no longer be required. A copy of the publication is sufficient evidence of publication. Notice to the public has not been found to enhance meaningful evaluation of applications and serves to slow down processing of applications. In addition, State procedures serve to provide additional safeguards in the application process. Correspondingly, § 303.14 (b) and (d) and § 303.10(b) would be amended to reflect the fact that a protestor would have up until the time the application is approved to protest and/or request a hearing. The FDIC strongly feels that comments or protests should be made and evaluated when the circumstances which prompt them occur, and that comments or protests should not be postponed until an application is pending.

Special Note

The FDIC Board of Directors wishes to clearly identify the subject of publication as an issue on which it specifically solicits public comment. As presented in the proposal, applicants no longer would be required to publish public notice of applications for deposit insurance and requests for consent to establish a branch office (including remote service facilities and foreign offices) or to relocate an office. Publication of intent to engage in a merger-type transaction would continue to be required. As an alternative to eliminating publication requirements, the Board is considering a one-time publication of notice regarding deposit insurance, branch and relocation applications within a specified time prior to filing of an application. Thus, once an application was filed, there would be no delay in processing it because of any publication requirement. Comments are requested on whether or not there should be a publication requirement, and if so, to what category of applications it should apply.

Sections 303.14(f) and 347.3(a) would be amended to reflect the new procedures for remote service facility branches and foreign branches of insured State nonmember banks, respectively. As with conventional branches, the initial remote service facility and any additional remote service facility would require only the letter application previously mentioned and no notice to the public. Similarly, to establish additional foreign branches or to relocate foreign branches, a domestic

bank would provide the same information as it would if the branches were a domestic branch (except for information on NEPA and NHPA). At present, both additional remote service facilities and additional foreign branches may be established unless the applicant bank hears otherwise within 30 days after notice to the FDIC. Under the proposal, this provision would be deleted. For all types of branches, the FDIC would send a written approval in order to authorize the establishment of the branch. The FDIC believes that this uniformity of procedural treatment of all branches is desirable, and contemplated expedited processing should mean that branches will ordinarily be approved before 30 days have elapsed.

As the application form described in § 303.8 does not exist, the last two sentences of the section should be deleted. Section 303.11(a)(15) concerns delegated authority which has, by its own terms, terminated. It is to be deleted, and § 303.11(a)(16) is redesignated § 303.11(a)(15).

Minor technical changes are proposed throughout Parts 303 and 304 as needed to conform the parts to the substantive changes described above.

Initial Regulatory Flexibility Analysis

The proposed rule has been developed in order to further two basic objectives. The first is to decrease the regulatory burden upon banks that undertake to apply for FDIC permission to establish or relocate offices and other facilities. The second is to streamline the approval process to permit such establishment or relocation of facilities to take place as expeditiously as possible. Both of these objectives comport with the ongoing program of the FDIC to make its procedures more responsive to the needs of insured banks and the public they serve. Action is proposed to be taken under the authority of the FDI Act (12 U.S.C. 1811-1831d), particularly section 9 "Seventh" and "Tenth" thereof (12 U.S.C. 1819 "Seventh" and "Tenth"), and is further based on the principles of the Regulatory Flexibility Act (5 U.S.C. 601-612), the Paperwork Reduction Act (44 U.S.C. 3501-3520), and the internal policy of the FDIC regarding reduction of regulatory burden on entities subject to FDIC supervision.

Insured State nonmember banks would benefit from the proposed rule by being afforded greater flexibility during the application process when they seek to establish or relocate facilities. Compliance costs, including the unnecessary expenditure of time and effort while completing application forms, are expected to be reduced significantly for most banks since the

forms or other additional information will only be required in those unusual cases in which the added information is needed for an adequate evaluation of the application. In addition, the FDIC expects the proposal, if adopted, to lead to faster approval of requests to establish or relocate facilities. Reduced costs and increased efficiency in rendering regulatory approvals may even encourage banks to base their decisions regarding branches and other facilities to a greater extent on market factors and the needs of the communities these banks serve. Greater responsiveness to these latter factors would thus benefit the public.

By eliminating mandatory use of preprinted forms in connection with branch and relocation applications, the FDIC does not believe that its ability to evaluate the application satisfactorily will be reduced in any significant fashion. The FDIC, along with State authorities, conducts regular examinations of insured banks and has in its control a significant volume of recent information on each applicant bank. Under relevant statutes, for domestic branches and relocations, the FDIC must consider the six factors enumerated in section 6 of the FDI Act as well as the requirements of the CRA, NHPA, and NEPA. The FDIC believes that in most cases all of these considerations may be accorded proper weight without the use of preprinted forms. Between the information to be received in the letter application (the exact location of the subject facility, and details regarding insider transactions, and, where applicable, NEPA, and NHPA) and the information in the possession of or readily available, to the FDIC, the FDIC will ordinarily possess adequate resources with which to determine whether statutory criteria have been satisfied.

The proposed elimination of the publication requirement for applications, except merger-related applications, will lead to more expeditious disposition of applications at lower cost to banks. This proposal reflects the facts that Congress has not seen fit to require publication in such cases (except in connection with mergers), and that FDIC experience has tended to show that the delay occasioned by the publication requirement has not been offset by measurable corresponding advantages. The FDIC believes that the quality of its decision making has not been improved by virtue of its use of the publication mechanism, which rarely leads to the entry of unrepresented viewpoints or the introduction of material data otherwise unavailable. Believing that costly

experiments ought to be terminated when shown to have failed to live up to hopes, the FDIC would eliminate the publication process except when its use is mandated by statute.

It would thus appear that the costs of the present proposal are less than the benefits sought to be achieved thereby. Adoption of the proposal would have a favorable impact on banks and would likely have a favorable impact on the public they serve as well.

The impact of the proposal on small banks, both in terms of benefits and costs, may be expected to be equivalent to its impact on banks in general. This impact has been described above and constitutes a favorable impact.

Alternatives to the present proposal which were considered and provisionally rejected include continuing the present procedures unchanged and adopting either a less far-reaching or a more far-reaching approach. Rejection of these alternatives has been based on consideration of the relative costs and benefits of the present proposal and the absence of compelling reasons to favor a more cautious approach. Another alternative, that of seeking new legislation or amendments to existing legislation, was rejected as unnecessary and unwarranted at the present time.

No additional recordkeeping requirements would result from the adoption of this proposal. Reporting requirements would be reduced measurably, as has been described above. Compliance requirements would otherwise be unchanged. There would be no significant adverse effect on competition. Should the proposed procedures increase branching and relocation flexibility to a significant extent, competition may increase to the benefit of the banking public.

List of Subjects

12 CFR Part 303

Administrative practice and procedure, Applications and forms, Authority delegations, Banks, banking, Branches, branching, Federal Deposit Insurance Corporation, Insurance, State nonmember banks.

12 CFR Part 304

Administrative practice and procedure, Applications and forms, Banks, banking, Branches, branching, Federal Deposit Insurance Corporation, Insurance, Reporting requirements.

12 CFR Part 327

Banks, banking, Credit, Federal Deposit Insurance Corporation, Foreign activities of U.S. banks, Foreign banking.

For the reasons set out in the preamble, Parts 303, 304, and 347 of chapter III of title 12 of the Code of Federal Regulations are proposed to be amended as follows:

PART 303—APPLICATIONS, REQUESTS, SUBMITTALS, AND NOTICES OF ACQUISITION OF CONTROL

1. The authority citation for Part 303 reads as follows:

Authority: Secs. 2(5), 2(6), 2(7)(j), 2(8), 2(9) ("Seventh" and "Tenth"), 2(18), 2(19), Pub. L. No. 797, 64 Stat. 876, 881, 891, 893 as amended by Pub. L. No. 86-463, 74 Stat. 129; sec. 2, Pub. L. No. 87-827, 76 Stat. 953; Pub. L. No. 88-593, 78 Stat. 940; Pub. L. No. 89-79, 79 Stat. 244; sec. 1, Pub. L. No. 89-356, 80 Stat. 7; sec. 12(c), Pub. L. No. 89-485, 80 Stat. 242; sec. 3, Pub. L. No. 89-597, 80 Stat. 824; title II, secs. 201, 205, Pub. L. No. 89-695, 80 Stat. 1055; sec. 2(b), Pub. L. No. 90-505, 82 Stat. 856; secs. 6(c)(7), (12), (13), Pub. L. No. 95-369, 92 Stat. 616-620; title III, secs. 306, 309 and title VI, sec. 602, Pub. L. No. 95-630, 92 Stat. 3677, 3683 (12 U.S.C. 1815, 1816, 1817(j), 1818, 1919 "Seventh" and "Tenth", 1828, 1829); title I, sec. 108, Pub. L. No. 90-321, 82 Stat. 150 as amended by title IV, sec. 403, Pub. L. No. 93-495, 88 Stat. 1517 and title VI, sec. 608, Pub. L. No. 96-221, 94 Stat. 171 (15 U.S.C. 1607).

2. By revising the section headings of 12 CFR 303.2 and 3.3.3 in the table of section headings to 12 CFR part 303 to read as follows:

Sec.
303.2 Application by insured State nonmember bank to establish a branch or move its main office or branch.
303.3 [Reserved]

3. By revising 12 CFR 303.2 to read as follows:

§ 303.2 Application by insured State nonmember bank to establish a branch² or move its main office or branch.

Application by an insured State nonmember bank (except a District bank) to establish and operate a new branch (including a remote service facility) or to move its main office or branch should be filed with the regional director of the Federal Deposit Insurance Corporation region in which the bank is located. The application shall be in letter form and contain information on the exact location of the proposed site, including street address (unless one has not been assigned to the location); details concerning any involvement in the proposal by an insider of the bank, including any financial arrangements relating to fees, the acquisition of property, rentals, and construction contracts; the bank's opinion on the impact of the facility on the human environment, including information on compliance with local

zoning laws and regulations and the effect on traffic patterns; and a statement as to whether or not the site is included in or eligible for inclusion in the National Register of Historic Places, including evidence that clearance has been obtained from the State Historic Preservation Officer. As used in this paragraph, the term "insider" means a director, an officer, or a shareholder who directly or indirectly controls 5 or more percent of any class of the applicant's outstanding voting stock, or the associates and interests of any such person. In cases in which additional information is necessary for evaluation of the application, the applicant may be required to furnish specific information on an individual basis or to complete detailed, preprinted forms. These forms are also available for use by State bank supervisory authorities. (See Part 304 of this title for list of forms and instructions.)

§ 303.3 [Reserved]

4. By removing and reserving 12 CFR 303.3.

5. By removing the second and third sentences of 12 CFR 303.6.

§ 303.9 [Amended]

6. By amending 12 CFR 303.9(b) by adding in the last sentence thereof, following the words "the forms specified in Part 304 of this title should be used" the following parenthetical: "(unless Part 304 states that the use of a particular form is not required)".

§ 303.10 [Amended]

7. By amending 12 CFR 303.10(b) by adding, following the words "With respect to any application, the Board of Directors will" the words "upon timely request made in accordance with § 303.14(b)(2)".

§ 303.11 [Amended]

8. By removing 12 CFR 303.11(a)(15) and by redesignating 12 CFR 303.11(a)(16) as 12 CFR 303.11(a)(15).

9. By revising 12 CFR 303.12 (a) and (c) to read as follows:

§ 303.12 Applications where authority is not delegated.

(a) *Circumstances precluding delegation.* Authority to act on applications listed in § 303.11 is not delegated by the Board of Directors in the following circumstances:

(1) Where, except for certain standard conditions which may be imposed in approving applications for branches, remote service facilities, and relocations, and applications for deposit insurance by proposed or newly organized banks, a condition other than

a time limitation is to be prescribed in approving the application;

(2) Where, in the case of applications filed pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), all necessary and final approvals have not been obtained from the appropriate State authority. In this connection, if the State authority has given its approval subject only to the approval of the Federal Deposit Insurance Corporation, such State approval is to be considered as final. As used in paragraph (a)(1) above, the term "standard conditions" includes, with respect to an application for deposit insurance, the following conditions: that a specific amount and a specific allocation of beginning paid-in capital be provided; that any changes is proposed management or proposed ownership to the extent of 5 or more percent of stock, including new acquisitions of or subscriptions to 5 or more percent of stock, be approved by the Corporation prior to the opening of the bank; that an accrual accounting system be adopted for maintaining the books of the bank; that Federal deposit insurance not become effective until the applicant has been established as a State bank (not a member of the Federal Reserve System), until it has authority to conduct a banking business, and until its establishment and operation as a bank have been fully approved by the State banking authority; that, where applicable, a registered or proposed bank holding company obtain approval of the Board of Governors of the Federal Reserve System to acquire voting stock control of the proposed bank prior to its opening; and that, where applicable, full disclosure be made to all proposed directors and stockholders of the facts concerning interests of insiders in any bank transaction being effected or then contemplated, including the identity of the parties to the transaction and the terms and costs involved. As used in the previous sentence the term "insider" means one who is or stands to be a director, an officer, or an incorporator of the applicant or a shareholder who directly or indirectly controls 5 or more percent of any class of the applicant's outstanding voting stock, or the associates and interests of any such person. With respect to applications for branches (including remote service facilities), relocations, and deposit insurance, the term "standard conditions" includes: the condition that all necessary and final approvals have been obtained from the appropriate State authority; and that until the conditional commitment of the Corporation becomes effective, the Corporation has the right to alter,

suspend, or withdraw its commitment should any interim development be deemed to warrant such action.

* * * * *

(c) *Conditions precedent to delegation to approve branch applications.*

(Important: the requirements set forth in this paragraph (c) are procedural in nature only and should not be construed as standards or criteria which will be used in determining whether a specific application will be approved or denied.) Authority to approve branch applications (including initial or additional remote service facilities and foreign branches of insured State nonmember banks) pursuant to § 303.11(a)(7) is delegated only where each of the six factors set forth in section 6 of the Federal Deposit Insurance Act has been considered and favorably resolved,⁴ and, in addition, where all the following requisites have been satisfied:

(1) The applicant is in substantial compliance with applicable laws and with the rules and regulations of the Corporation.

(2) The applicant's adjusted⁷ equity capital and reserves (adjusted surplus and reserves in the case of mutual savings banks) are determined to be adequate relative to its adjusted⁷ gross assets and, where applicable, the applicant is in compliance with the FDIC Statement of Policy on Capital Adequacy.

(3) The applicant's income before securities gains or losses and net income minus cash dividends have been positive during the most recent calendar year for which information is available and for the year-to-date through the most recent quarter for which information is available.

(4) The applicant's management is rated 3 or better.

(5) Any financial arrangements which have been made in connection with the proposed branch¹⁰ and which involves the applicant's directors, officers, major shareholders,¹¹ or their interests, are fair and reasonable in comparison to similar arrangements that could have been made with independent third parties.

(6) The requirements of the National Historical Preservation Act, the National Environmental Policy Act and the Community Reinvestment Act have been considered and favorably resolved, except that this requisite does not apply to applications to establish foreign branches.

10. By further revising 12 CFR 303.12(c) by removing and reserving footnotes⁵,⁶, and⁸.

⁵ [Reserved]

⁶ [Reserved]

⁸ [Reserved]

11. By amending 12 CFR 303.12(d) by removing the reference to § 303.11(a)(16) and inserting, in its place, "§ 303.11(a)(15)".

§ 303.14 [Amended]

12. By amending 12 CFR 303.14(b)(1) by removing the parenthetical "(i)" following the paragraph heading "Notice by publication."

13. By further amending 12 CFR 303.14(b)(1) by adding at the end of the first paragraph and as part of that paragraph the following sentence, to appear as unindented text following the indented quotation contained in that paragraph: "In all instances, immediately after final publication, the applicant shall furnish the regional director with a tear sheet or clipping evidencing the publication."

14. By removing 12 CFR 303.14(b)(1) (ii) and (iii).

15. By removing 12 CFR 303.14(b)(1-a).

16. By revising 12 CFR 303.14(b)(2) to read as follows:

(b) * * *

(2) *Comments and protests.* Anyone who wishes to comment on an application may do so by filing comments in writing with the regional director. Anyone who wishes to protest the granting of an application filed pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) has a right to do so if he or she files a written notice of his or her intent with the regional director within 15 days of the last publication of the notice required by paragraph (b)(1) of this section. A person who wishes to protest the granting of any other application may file a formal protest with the regional director up to the time the Corporation acts upon the application.

17. By amending 12 CFR 303.14(b)(3) by inserting after the words "In order to fully apprise the public of its rights under" the words "the second sentence of"; by removing, in the second sentence thereof, the phrase ", except in the case of additional sites or relocations of remote service facilities,"; and by removing the last sentence thereof, which reads, "In the case of additional sites or relocations of remote service facilities, this notice shall consist of the notice required by paragraph (d)(2) of this section."

18. By revising 12 CFR 303.14(d)(1) to read as follows:

(d) * * *

(1) *Requests for hearing on other proceeding.* In the case of applications filed pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), once the Corporation's field examiner has

completed the investigation of the application or, where no field investigation has been conducted, upon completion of the regional office report, anyone who, within 15 days of the last publication of the notice required by paragraph (b)(1) of this section, has filed a written notice of intent to protest the granting of the application shall be entitled to file a formal protest and request an opportunity to be heard, so long as that person does so within 15 days after his or here receipt of the notice set forth in paragraph (d)(2) of this section. In the case of other applications, anyone who files a formal protest in a timely manner as provided by paragraph (b)(2) of this section may request a hearing at the time of the making of the formal protest. A person filing an intent to protest or a formal protest may also request that a hearing be held on the application pursuant to paragraph (e) of this section.

19. By further revising 12 CFR 303.14(d)(1) by removing and reserving footnote ¹³:

¹³ [Reserved]

20. By amending 12 CFR 303.14(d)(2) by revising the first paragraph thereof to read as follows:

(d) * * *

(2) *Notice.* In the case of applications filed pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), upon completion of the investigation by the field examiner or the regional office, the regional director shall give notice to all persons who, within 15 days of the last publication of the notice required by paragraph (b)(1) of this section, filed a written notice of intent to protest the granting of the application. This notice shall be sent by registered or certified mail and a copy of the notice shall be sent to the applicant. The notice shall take substantially the following form:

21. By further amending 12 U.S.C. 303.14(d)(2) by removing the last four paragraphs thereof, beginning with the words, "Where notice has been sent."

22. By amending 12 CFR 303.14(d)(3) by removing the reference to paragraph (d)(2) the first time it appears therein and inserting, in its place, "paragraph (d)(1)"; and by revising the latter sentence of 12 CFR 303.14 (d)(3) to read as follows: "In cases in which notice under paragraph (d)(2) of this section is required to be given, a decision as to the form of proceeding to be held will be made not more than 30 days after notice has been given pursuant to paragraph (d)(2)."

23. By amending 12 CFR 303.14(d)(4) by removing the reference to paragraph

(d)(2) therein and inserting, in its place, "paragraph (b)(2)".

24. By amending 12 CFR 303.14(e)(1)(ii) by removing the reference to paragraph (d)(2) therein and inserting, in its place, "paragraph (b)(2)".

25. By revising § 303.14(l)(2) to read as follows:

(l) * * *

(2) *Establishing a remote service facility or system of facilities.* For purposes of this section "establishing" means owning or leasing a remote service facility either individually or jointly. An establishing bank will file a letter giving full particulars of the proposal to establish either initial or additional remote service facilities, including the matters listed in section 303.2, with the appropriate regional office. The applicant will be advised whether additional information must be submitted before the application may be approved.

26. By amending 12 CFR 303.14(l)(3) by removing the words "Form 6210/09" each of the three times they appear therein, and by inserting, in their place, the words, "by letter," the first time they appear, the words "This letter" the second time they appear, and the words "this letter" the third time they appear.

PART 304—FORMS, INSTRUCTIONS, AND REPORTS

1. The authority citation for Part 304 reads as follows:

Authority: 12 U.S.C. 1819.

2. By amending 12 CFR 304.3(f) by inserting an asterisk following "Form 6210/06", "Form 6210/05", "Form 6210/02", and "Form 6210/10" as each of them appears in the italicized paragraph heading thereof and the first time each of them appears in the text of the paragraph, and by adding a footnote as follows:

*These forms are ordinarily not required by the FDIC as noted in § 303.2. The forms may be used by State authorities at their own discretion.

§ 304.3 [Amended]

3. By amending 12 CFR 304.3(g) by inserting an asterisk following "6210/04", "6210/03", and "6210/07" as each of them appears both in the italicized paragraph heading thereof and in the text of the paragraph.

4. By amending 12 CFR 304.3(h) by inserting an asterisk following "form 6210/09" as it appears in the italicized paragraph heading thereof and the first time it appears in the text of the paragraph.

5. By removing and reserving 12 CFR 304.3(j).

PART 347—FOREIGN ACTIVITIES OF INSURED STATE NONMEMBER BANKS

1. The authority citation for Part 347 reads as follows:

Authority: Secs. 3(o), 18(d), and 18(l) of the Federal Deposit Insurance Act, as amended by sec. 301, Pub. L. No. 95-630, 92 Stat. 3641 (12 U.S.C. 1813(o), 1828(d), 1828(l)).

§ 347.3 [Amended]

2. By revising 12 CFR 347.3(a) to read as follows:

(a) *Establishing, moving, or closing foreign branches.* (1) A foreign branch may not be established, operated, or relocated by an insured State nonmember bank without the prior written consent of the Corporation. This consent may be obtained through the application procedures set forth under Part 303. For all foreign branches and relocations thereof, this information shall include information on the exact location of the facility and on the involvement of insiders as specified in § 303.2.

(2) At the time of the closing of a foreign branch, the insured State nonmember bank shall by letter advise the Regional Director of the name, the location, and the date of the closing of the branch.

By order of the Board of Directors, June 28, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 82-18362 Filed 7-6-82; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 561 and 563

[No. 82-434]

Amendments Relating to the Issuance and Use of Subordinated Debt Securities, Mutual Capital Certificates, and Preferred Stock

Dated: June 24, 1982.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: The Board proposes to amend its regulations governing the issuance and use of subordinated debt securities, mutual capital certificates, and preferred stock by savings and loan institutions ("insured institutions") the accounts of which are insured by the Federal Savings and Loan Insurance Corporation ("FSLIC" or the "Corporation"). Proposed changes

include: (1) Allowing subordinated debt securities and redeemable mutual capital certificates to be used in fulfilling an insured institution's net-worth requirement; (2) allowing nonpermanent preferred stock to be used to fulfill an insured institution's net-worth requirement; (3) allowing the full amount of subordinated debt securities, mutual capital certificates, and preferred stock to fulfill the statutory reserve requirement; (4) revising the current eligibility requirements for the issuance of subordinated debt securities; and (5) expanding the authority of the board to waive the form, term and offering requirements for subordinated debt securities. The proposed action would provide added flexibility for insured institutions to issue subordinated debt securities, mutual capital certificates and preferred stock by increasing such securities' utility. The proposal also would increase the ability of insured institutions to issue subordinated debt securities by revising eligibility and structural requirements.

The Board believes that the changes proposed herein will give insured institutions added flexibility to build up their capital and reserves through the sale of subordinated debt securities, mutual capital certificates, and nonpermanent preferred stock.

DATE: Comments must be received by: August 5, 1982.

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

FOR FURTHER INFORMATION CONTACT: John P. Soukenik, Deputy Director, Division of Corporate and Regulatory Structure, Office of General Counsel (202-377-6411), at the above address.

SUPPLEMENTARY INFORMATION:

Background

In the past two years, the Board as operating head of the FSLIC has substantially amended its borrowing regulations in an effort to provide greater authority for borrowing outside the Federal Home Loan Bank System and state-chartered central reserve institutions ("outside borrowing") and to increase insured institutions' flexibility to manage liabilities while continuing to ensure that outside borrowings do not adversely affect the safety and soundness of insured institutions. In an effort to continue this regulatory policy, the Board by Resolution No. 82-104, dated February 18, 1982 (47 FR 8026 (1982)), proposed amendments to its

regulations concerning the issuance of subordinated debt securities which would have liberalized the eligibility criteria for subordinated debt securities issues and given the Board the flexibility to waive requirements as to form, term and method of offering for the securities. The proposal also would have permitted the increased use of subordinated debt securities in the net-worth calculation and authorized limited use of subordinated debt securities in meeting an insured institution's statutory-reserve requirement.

After a review of the public comments submitted in response to the February 18 proposal and after further staff consideration and analysis, the Board believes that additional amendments to the Board's regulations concerning subordinated debt securities, mutual capital certificates and preferred stock may be appropriate at this time. Therefore, in addition to and in expansion of those previously proposed amendments, the Board proposes that the full amount of all subordinated debt securities, mutual capital certificates and nonpermanent preferred stock sold be eligible to fulfill insured institutions' net-worth and statutory-reserve requirements. The Board believes that the changes proposed herein will give insured institutions added flexibility to build up their capital and reserve through the sale of subordinated debt securities, mutual capital certificates, and nonpermanent preferred stock.

Increase in Amount of Subordinated Debt and Other Securities Permitted To Be Included for the Net-Worth Requirement

Section 561.13 of the Insurance Regulations (12 CFR 561.13) allows an insured institution to satisfy up to 20 percent of its total net-worth requirement with subordinated debt securities upon written approval by the Corporation of an application submitted pursuant to § 563.8-1 (12 CFR 563.8-1). Subordinated debt securities qualifying under this standard may be included as part of the issuing institution's net worth until the securities' remaining period to maturity is less than one year. The amendment proposed by Board Resolution No. 82-104 would have increased the total amount of subordinated debt securities permitted to be included in satisfying the issuing institution's net worth from 20 percent to 40 percent of the total net-worth requirement.

After further consideration, the Board is proposing to expand further the group of components eligible for use in fulfilling the net-worth requirement. The proposal permits an insured institution

to include as part of the net-worth requirement the full amount of any subordinated debt securities and redeemable mutual capital certificates, so long as the remaining period to maturity or required redemption is not less than one year. Nonpermanent preferred stock meeting this term limitation also would be accorded the same treatment for net-worth purposes. In addition, the proposal would also allow redemptions or prepayments of nonpermanent components of the net-worth requirement, if only the issuing institution has the option to redeem or prepay and the exercising of such right would not result in the failure of the institution to meet its net-worth requirement.

The net-worth requirement is not specifically mandated by statute but rather is a regulatory provision designed to provide a gauge for the Board and other interested parties by which to judge the financial condition of insured institutions. Since it is a regulatory creation of the Board, it is within the Board's discretion to dictate the components of the net-worth account. From time to time, the Board, operating within this discretionary framework, has altered the actual percentage of net worth required to be maintained by insured institutions and the amount upon which that percentage is based, as well as the various components eligible for inclusion in the net-worth account. The Board by this action is proposing to exercise again its prerogative to redefine various aspects of the net-worth requirements by allowing the full amount of any subordinated debt securities and redeemable mutual capital certificates sold to be included in the net-worth account and by adding nonpermanent preferred stock to the list of types of eligible securities for that same purpose.

Inclusion of Subordinated Debt Securities for Statutory Reserve Requirements

Section 403(b) of the National Housing Act (12 U.S.C. 1726(b)) ("NHA") requires an insured institution to provide adequate reserves satisfactory to the Corporation. Section 403(b) authorizes the Board to implement the statutory-reserve requirement by regulations within certain limitations set forth in the statute. Pursuant to the statute, the Board must establish a specific reserve requirement to be met by insured institutions and to be composed of an amount no greater than 6 percent nor less than 3 percent of each institution's insured accounts. Currently, the reserve requirement established by the Board is

3 percent of insured account balances as calculated through application of the formula set forth in § 563.13(a)(2) (12 CFR 563.13(a)(2)). The reserve may consist of any item eligible for inclusion in the institution's net worth except for those items specifically excluded in paragraphs (a)(3)(i) through (iii) of the § 563.13. Subordinated debt securities and redeemable mutual capital certificates currently are among the exclusions.

The previously proposed amendment to § 563.13 would have allowed subordinated debt securities to be included in an institution's statutory-reserve requirement to the extent necessary to meet any reserve requirement in excess of 3 percent of insured accounts. An insured institution still would have been required to meet the minimum 3-percent reserve requirement without the use of any subordinated debt securities. Because the Board recently lowered the statutory-reserve requirement to 3 percent of insured accounts (See, Board Resolution No. 82-19 (January 14, 1982), 47 FR 3543 (1982)), the proposed liberalization would have had no immediate effect but would have operated prospectively in the event that the statutory-reserve requirement was increased above the current 3-percent level.

Commenters who addressed the February 18 proposal generally agreed that the amendment was an improvement over the current regulation, but the consensus was that the savings and loan industry needs regulatory changes which would have an immediate positive effect rather than merely future potential. With these comments in mind, the Board considered other legally available options which would aid insured institutions in maintaining and bolstering their statutory reserve, and at the same time preserve the integrity of the FSLIC insurance fund.

The Board believes that the inclusion of certain debt and equity securities could have a beneficial effect on both insured institutions and the Corporation. Currently, neither subordinated debt securities, redeemable mutual capital certificates, nor nonpermanent preferred stock is available for inclusion in the statutory reserve. Yet, structurally all of these securities have two characteristics important for any component of the statutory reserve: they are subordinate to other obligations of the insured institution, and their medium- to long-term nature makes them a stable source of capital. When claims are filed against an institution in a liquidation

proceeding, holders of subordinated debt securities are ahead of only holders of equity securities in the order of claim priorities. Although this feature is a significant potential risk to holders of these instruments, it also makes them attractive for reserve purposes. Moreover, since the subordinated-debt-securities regulation requires all debentures to have a term of at least 7 years and the mutual-capital-certificate regulation requires all redeemable mutual capital certificates to have a dollar weighted average term of 10 years, the funds received by an insured institution from the sale of these instruments would be available to the institution for a relatively long period of time. The proposed change would create little risk for a well managed institution because the institution could structure the nonpermanent portion of its statutory reserve to ensure that other sources of eligible reserve capital would be available as current nonpermanent components approach maturity.

Authorized Components of the Statutory Reserve

As a condition for approval of any application for insurance of accounts, section 403(b) of the NHA requires the applicant to agree to build up reserves gradually to an amount satisfactory to the Corporation. The actual percentage of reserve and the amount upon which that percentage is based have from time to time been altered by various amendments to the NHA. Moreover, as the capital structure of insured savings and loan institutions changed from relatively simple to rather complex in nature, the Board permitted various newly authorized capital instruments also to be included in the required reserve. Congress provided this broad discretion to the Board to define the components of the reserve requirement when, in 1974, it added to section 403(b) of the NHA a definition which states that "the term 'reserves' shall, to such extent as the Corporation may provide, include capital stock and other items, as defined by the Corporation."

To date, however, the Board has chosen not to authorize the use of some instruments for reserve purposes, even though such authorization was fully within its discretion. For example, until today neither preferred stock nor mutual capital certificates were proposed to be utilized to their full legal potential, although the statute specifically mentions mutual capital certificates as an authorized component of the reserve and preferred stock is a variety of "capital stock." The Board believes that other capital instruments, including subordinated debt securities, can also

be designated by the Board as proper components of the reserve pursuant to the statutory definition.

State-Chartered Insured Institutions' Utilization of Proposed New Authority

The proposed inclusion of subordinated debt securities, redeemable mutual capital certificates and nonpermanent preferred stock for federal net-worth and statutory-reserve requirement purposes would apply to state-chartered, FSLIC-insured institutions as well as federally chartered institutions. However, state-chartered institutions may not be permitted under applicable state law to issue some, or all, of these types of instruments. The Board understands that, if these types of restrictions exist, they could place insured institutions operating in such environments at a considerable disadvantage with federally chartered institutions and state-chartered institutions located in jurisdictions where all of these instruments are authorized to be issued by savings and loan institutions. The Board is also aware that the net-worth regulations in some jurisdictions may vary from the Board's definition of net worth. This difference may cause an institution to meet one standard but at the same time fail to satisfy the other. With these factors in mind, the Board specifically requests comment from state-chartered institutions and other interested parties as to the types of instruments authorized by law or regulation in their particular jurisdictions and the eligibility of such instruments for inclusion as part of any applicable net-worth requirement.

Eligibility Requirements for Subordinated Debt

In order for the subordinated debt securities of an insured institution to be included as part of its net worth, the issuing institution must comply with § 563.8-1. Paragraph (b) of that section lists six specific eligibility requirements an institution must meet at the time its application is approved by the Board. The February 18 proposal would have replaced the specific financial qualifications with a supervisory standard which would have allowed the Corporation to judge applications on a case-by-case basis. Applications authorized by applicable law would have been approved if, in the opinion of the Corporation, the overall policies, condition and operation of the applicant did not afford a basis for supervisory objection to the application. In considering the issuing institution's overall condition and operation (e.g. net

worth, scheduled items, appraised losses, income and cash flow) the inability of an applicant to meet a particular standard(s), as set forth in the regulation, would not necessarily cause the application to be denied. The Board continues to propose the described amendments to the eligibility requirements for subordinated-debt-securities issues.

Waiver of Form, Term, and Offering Requirements

The introductory language of paragraph (d) of § 563.8-1 currently provides for the waiver of any of the requirements as to form, term and offering of subordinated debt securities in connection with a sale of such securities to the Corporation. In order to provide the Board with greater flexibility in considering applications which do not comply with all of the requirements of paragraph (d), the Board had also proposed to remove the restriction on granting waivers of the requirements of paragraph (d), thereby permitting the Board upon request to waive any of the designated requirements of paragraph (d) which it deemed appropriate. The proposal excepted from the scope of the waiver the provisions which require the disclosure that the security is not a deposit or account insured by FSLIC and the requirement that the security be subordinated, unsecured and not eligible for use as collateral.

This proposed portion of § 563.8-1 also remains unchanged from the previously proposed amendments, which one exception. It is proposed to add the phrase "by the assets of the insured institution, or any of its affiliates" to the requirement that the subordinated debt securities be "unsecured." The Board views this amendment as a technical change that would have no substantial substantive effect on the regulatory requirement.

Regulatory Flexibility Act Certification

Pursuant to section 3 of the Regulatory Flexibility Act, Pub. L. No. 96-354, 94 Stat. 1164 (September 19, 1980), the Board certifies that the proposed amendments, if promulgated, would not have a significant economic impact on a substantial number of small entities. The proposed regulations would reduce a number of existing restrictions on the issuance and utility of subordinated debt securities and would also expand uses of mutual capital certificates and preferred stock. The Board believes that the proposed amendments will benefit institutions but does not believe that the amendments will have a significant economic impact on institutions.

Because there is a present need to allow institutions greater flexibility in the composition of their net worth and statutory reserve, and because closely related regulatory proposals have already been published for comment, the Board has limited the comment period to 30 days.

List of Subjects in 12 CFR Parts 561 and 563

Savings and loan associations.

Accordingly, the Federal Home Loan Bank Board hereby proposes to amend Parts 561 and 563 of Subchapter D, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 561—DEFINITIONS

1. Revise § 561.13 to read as follows:

§ 561.13 Net worth.

The term "net worth" means the sum of all reserve accounts (except specific or valuation reserves), retained earnings, common stock, preferred stock, mutual capital certificates (issued pursuant to § 563.7-4 of this Subchapter), subordinated debt securities (issued pursuant to § 563.8-1 of this Subchapter), securities which constitute permanent equity capital in accordance with generally accepted accounting principles (if approved by the Corporation), and any nonwithdrawable accounts of an insured institution: *Provided*, that for any nonpermanent instrument qualifying as net worth under this definition, either (1) the remaining period to maturity or required redemption (or time of any required sinking fund or other prepayment or reserve allocation, with respect to the amount of such prepayment or reserve) is not less than one year, or (2) the redemption or prepayment is only at the option of the issuer and such payments would not cause the institution to fail to meet its statutory-reserve requirement or its net-worth requirement under § 563.13 of this Subchapter; and *provided further*, that capital stock may be included as net worth without limitation if it would otherwise qualify but for either (1) a provision permitting redemption in the event of a merger, consolidation, or reorganization approved by the Corporation where the issuing institution is not the survivor, or (2) a provision permitting a redemption where the funds for redemption are raised by the issuance of permanent stock. For purposes of satisfying any net-worth requirement of the Corporation other than the annual net-

worth requirement of § 563.13(b), there may be included as net worth, to the extent explicitly authorized in writing by the Corporation, the principal amount of any instruments qualifying for the net-worth requirement of § 563.13(b) or otherwise issued with the specific prior written approval of the Corporation.

PART 563—OPERATIONS

2. Revise § 563.8-1 by amending paragraph (b), the introductory text to paragraph (d), and paragraph (d)(1)(ii)(b), removing paragraph (f), and redesignating paragraphs (g), (h), and (i) as (f), (g), and (h) respectively; to read as follows:

§ 563.8-1 Issuance of subordinated debt securities.

* * * * *

(b) *Eligibility requirements.* In determining whether the Corporation will process an application by an insured institution for approval of the issuance of subordinated debt securities pursuant to this section, the Corporation will consider the following factors:

- (1) Whether the issuance of such securities by the applicant is authorized by applicable law and regulation and is not inconsistent with any provision of the applicant's charter, constitution or bylaws; and
- (2) Whether in the opinion of the Corporation, the overall policies, condition and operation of the applicant do not afford a basis for supervisory objection to the application. Bases for supervisory objection may include the following:

(i) Net worth, without regard to the amount of any subordinated debt securities to be included in net worth, does not meet the requirements of § 563.13;

(ii) Scheduled items exceed 2.5 percent of specified assets;

(iii) Appraised losses have not been offset by specific reserves to the extent required pursuant to § 563.17-2 of this Part;

(iv) Actual and anticipated income from operations after distribution of earnings to the holders of savings accounts and payments of dividends on equity securities and interest on borrowings, but before income taxes, is not demonstrably sufficient for interest and amortization of debt, discount and related expenses of the proposed issue.

* * * * *

(d) *Requirements as to securities.* Subordinated debt securities issued pursuant to this section shall meet all of the following requirements unless one or more of such requirements, not including

paragraphs (1) (i) and (ii), are waived by the Corporation:

(1) *Form of certificate.* * * *

(ii) * * *

(b) Is unsecured by the assets of the issuing institution, or any of its affiliates; and

(f) *Additional requirements.* * * *

(g) *Limitation as to offering period.*

(h) *Reports.* * * *

3. Amend § 563.13 by revising paragraph (a)(3) to read as follows:

§ 563.13 Reserve accounts.

(a) * * *

(3) Institutions may count as reserves meeting the reserve requirement those items eligible to be included in the definition of net worth set forth in § 561.13 of this Subchapter.

(Sec. 409, 94 Stat. 160, Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730), Sec. 5A, 47 Stat. 727, as amended by sec. 1, 64 Stat. 256, as amended; sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1464) Reorg. Plan No. 3 of 1947, 12 F.R. 4891, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board,

J. J. Finn,
Secretary.

[FR Doc. 82-18437 Filed 7-6-82; 8:45 am]

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CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1017

Security Regulation for Selected Confidential Information

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed regulation.

SUMMARY: In this document, the Commission proposes to revise its security procedures for safeguarding certain confidential business information, reported to or obtained by the Commission from businesses or from government agencies, which, because of the nature of the information, requires extraordinary security procedures to prevent its unauthorized disclosure. The Commission intends that at this time the procedures will apply only to confidential chemical product formula data submitted in response to its Special Order of August 21, 1975, and to Confidential Business Information obtained by EPA under the Toxic Substances Control Act (TSCA) which the EPA shares with the Commission. The Commission is proposing this regulation because it recognizes that

business whose documents are subject to this regulation have an interest in the way in which the Commission safeguards those documents.

DATE: Written comments on the proposed regulation must be received no later than September 7, 1982.

ADDRESS: Send written comments to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT: Dorothy Drago, Directorate for Epidemiology (301-492-6470), Consumer Product Safety Commission, Washington, D.C. 20207.

SUPPLEMENTARY INFORMATION: The Consumer Product Safety Commission (CPSC) is responsible under the Consumer Product Safety Act (CPSA) (15 U.S.C. 2051 *et seq.*) for, among other things, protecting the public against unreasonable risks of injury associated with consumer products, and promoting research and investigation into the causes and prevention of product-related deaths, illness and injuries, 15 U.S.C. 2051(b)(4). In carrying out these responsibilities, the Commission is required to conduct such continuing studies and investigations of deaths, injuries, diseases, other health impairments, and economic losses resulting from accidents involving consumer products as it deems necessary, 15 U.S.C. 2054(a)(2). It may conduct research, studies, and investigations on the safety of consumer products and on improving the safety of such products, 15 U.S.C. 2054(b)(1).

In some instances, the Commission, in carrying out its responsibilities, receives reports or obtains from businesses and/or government agencies information that contains trade secrets or other proprietary data. Section 6(a)(2) of the CPSA, 15 U.S.C. 2055(a)(2), as amended by the Consumer Product Safety Amendments of 1981 (Pub. L. 97-35, 95 Stat. 703-752), requires the Commission to keep such information confidential. In some instances, the nature of confidential information reported to or obtained by the Commission requires the Commission to take extraordinary security procedures to prevent unauthorized disclosure of the information. For example, the Commission determined that extraordinary procedures were necessary to safeguard chemical product formula information submitted to it by chemical manufacturers in response to its special order of August 21, 1975 (40 FR 36617). The Commission published security procedures for safeguarding that information, and other similar

information, at 16 CFR Part 1017, Subpart B.

The Commission, as part of its investigative and/or regulatory activities, anticipates requesting the Environmental Protective Agency (EPA) to provide it with "Confidential Business Information" that EPA has received under (TSCA).¹ The EPA will furnish this information to the Commission only if the Commission meets EPA's standards for maintaining the security of the information and promises to treat the information as confidential in accordance with EPA's regulations at 40 CFR Part 2.

The security procedures proposed below as a revision to 16 CFR Part 1017, are modeled after the procedures contained in the EPA's TSCA Confidential Business Information Security Manual (Security Manual) of July 1978. The procedures have been reviewed and approved by the Information Control Branch, Management Support Division, EPA, as meeting EPA requirements for sharing TSCA confidential business information with other agencies (See TSCA Security Manual, Chapter VI).

Although the Commission believes the proposed security procedures are helpful to insure that the Commission is able to adequately safeguard certain confidential information that it receives, the Commission anticipates that the procedures will nevertheless impose an administrative burden on the Commission's staff. Therefore, the Commission intends that at this time the procedures apply only to confidential chemical product formula data submitted to the Commission in response to its special order of August 21, 1975 (40 FR 36617) and to "Confidential Business Information" obtained by EPA under TSCA which the EPA shares with the Commission.

The Commission in accordance with the Administrative Procedure Act, 5 U.S.C. 553(d), proposes that the regulation become effective upon publication in the *Federal Register* in final form. This will allow the

¹ The term "Confidential Business Information" is defined in EPA's TSCA Confidential Business Information Security Manual July 1978, as meaning, "... any information in any form received by EPA from any person, firm, partnership, corporation, association, or local, state, or Federal agency, or foreign government, which contains trade secrets or commercial or financial information, and which has been claimed as confidential by the person submitting it and which has not been determined to be nonconfidential under the procedures in 40 C.F.R. Part 2." A copy of the manual is available from the EPA's Office of Industry Assistance, Room 511, East Tower, 401 M Street, S.W., Washington, D.C. 20460, or from the Commission's Office of the Secretary, Washington, D.C. 20207.

Commission to acquire data from EPA without undue delay.

List of Subjects in 16 CFR Part 1017

Business and industry, Chemicals, Confidential business information, Security measures.

Accordingly, under section 6(a) of the Consumer Product Safety Act (Pub. L. 92-573; 86 Stat. 1212-1215, as amended, Pub. L. 95-631, 92 Stat. 3742-45, Pub. L. 97-35, 95 Stat. 703, 752, 15 U.S.C. 2055(a)(2)), the Commission proposes that 16 CFR Part 1017 be revised by: adding Subpart A; revoking and revising Subpart B; and adding Subparts C, D, E, F and G.

PART 1017—PROCEDURES FOR SAFEGUARDING SELECTED CONFIDENTIAL INFORMATION

Subpart A—Purpose and Description of Information

Sec.

- 1017.1 Purpose and scope.
- 1017.2 Description of information.
- 1017.3 [Reserved]
- 1017.4 [Reserved]

Subpart B—Responsibilities

- 1017.5 Safeguarding selected confidential information; Associate executive director for health sciences responsibilities.
- 1017.6 Document control officer and assistant(s) responsibilities.
- 1017.7 Employee responsibilities.
- 1017.8 Security officer responsibilities.
- 1017.9 Other responsibilities.
- 1017.10 [Reserved]
- 1017.11 [Reserved]
- 1017.12 [Reserved]
- 1017.13 [Reserved]
- 1017.14 [Reserved]

Subpart C—Procedures for Handling Selected Confidential Information

- 1017.15 Document control officer procedures upon receiving information.
- 1017.16 Storage of selected confidential information.
- 1017.17 Protection of selected confidential information during use.
- 1017.18 Reproduction of selected confidential information.
- 1017.19 Destruction of selected confidential information.
- 1017.20 Discussion of selected confidential information in meetings.
- 1017.21 Newly created documents containing selected confidential information.
- 1017.22 Transfer of selected confidential information.
- 1017.23 Lost or misplaced documents.
- 1017.24 Violations of security by Commission employees.
- 1017.25 [Reserved]
- 1017.26 [Reserved]

Subpart D—Procedures for Authorizing Access for Employees and for Employees to Obtain Access

- 1017.27 Request and approval for access to selected confidential information.

Sec.

- 1017.28 Investigations.
- 1017.29 Employee access to information.
- 1017.30 [Reserved]
- 1017.31 [Reserved]

Subpart E—Computer Security Requirements for Confidential Chemical Product Formula Data

- 1017.32 Computer processing.
- 1017.33 [Reserved]

Subpart F—Authorization for the Commission to Provide Access to Selected Confidential Information to Members of the Chronic Hazard Advisory Panels

- 1017.34 Chronic Hazard Advisory Panels access to selected confidential information.

Subpart G—Security Requirements for Contractors and Subcontractors

- 1017.35 Contractor and subcontractor access to selected confidential information.
- 1017.36 Contracts and subcontracts involving access to selected confidential information.
- 1017.37 Award of contracts and subcontracts involving selected confidential information.
- 1017.38 Modifying existing contracts and subcontracts involving selected confidential information.
- 1017.39 Contractor computer use of confidential chemical product formula data.
- 1017.40 Transfer of selected confidential information to contractors and subcontractors.
- 1017.41 Inspection of contractor and subcontractor facilities.
- 1017.42 Return of information.
- 1017.43 Violations of security by contractors and subcontractors.

Appendices

- I. Confidentiality Agreement for CPSC Employees
- II. Confidentiality Agreement for CPSC Employees Upon Termination or Transfer
- III. Request for Access to CPSC Selected Confidential Business Information
- IV. CPSC Selected Confidential Information User Sign-Out Log
- V. Document Control No. Form for CPSC Selected Confidential Information
- VI. CPSC Selected Confidential Information Inventory Log
- VII. CPSC Selected Confidential Information Record Disposition Log
- VIII. Security Procedures for Handling Selected Confidential Information Provided to Contractors and Subcontractors

Authority: Section 6(a)(2), Pub. L. 92-573, 86 Stat. 1212-1215, as amended, Pub. L. 95-631, 92 Stat. 3742-45, Pub. L. 97-35, 95 Stat. 703, 752, 15 U.S.C. 2055(a)(2).

Subpart A—Purpose and Description of Information

§ 1017.1 Purpose and scope.

This part sets forth the security measures that Consumer Product Safety

Commission employees must follow to safeguard selected confidential information which the Commission obtains from business entities or government agencies. This part also establishes security measures for Commission contractors and subcontractors obtaining access to this information.

§ 1017.2 Description of information.

The business information covered by this Part is confidential chemical product formula data submitted to the Commission in response to its special order of August 21, 1975 (40 FR 36617) and "Confidential Business Information" obtained by the EPA under the Toxic Substances Control Act (TSCA) which EPA provides to the Commission. This information and any other data to which the Commission makes this rule applicable is referred to as "selected confidential information" in this regulation.

§ 1017.3 [Reserved]

§ 1017.4 [Reserved]

Subpart B—Responsibilities

§ 1017.5 Safeguarding selected confidential information; Associate Executive Director for Health Sciences responsibilities.

(a) The Commission's Associate Executive Director for Health Sciences (AEDHS) has the primary responsibility for safeguarding selected confidential information.

(b) The AEDHS shall:

- (1) Ensure that all selected confidential information is handled under these procedures;
- (2) Authorize the use of storage room(s) for selected confidential information, approve the destruction of selected documents, approve the computer processing of confidential chemical product formula data by employees, and review a contractor's/subcontractor's computer security plan;
- (3) Designate a Document Control Officer (and one or more assistants, if necessary) to serve under the direct supervision of the AEDHS to implement the procedures in this part;
- (4) Provide authorization for Commission employees and contractors or subcontractors to have access to selected confidential information in accordance with §§ 1017.15 and 1017.35;
- (5) Initiate appropriate action when any employee, contractor or subcontractor fails to comply with these procedures, e.g., disciplinary action against an employee or termination of a contract or subcontract;

(6) The AEDHS shall immediately notify the Executive Director and the General Counsel of any investigation by the Security Officer that covers the unauthorized disclosure of selected confidential information.

§ 1017.6 Document Control Officer and assistant(s) responsibilities.

(a) The Document Control Officer (DCO) is responsible for the following:

(1) Maintaining a current list of Commission personnel and contractors and subcontractors who are authorized to have access to selected confidential information, including any limitations on access;

(2) Maintaining document control records for all selected confidential information, both incoming and outgoing;

(3) Assigning document control numbers to all documents containing selected confidential information;

(4) Releasing selected confidential information only to authorized employees;

(5) Ensuring that selected confidential information is stored in accordance with these procedures when not in use;

(6) Maintaining a system for retrieval of documents;

(7) Authorizing and supervising the reproduction and destruction of selected confidential information;

(8) Conducting with the security officer periodic, but not less than annual, inventory checks of all selected confidential documents and furnishing the results to the AEDHS; such inventory checks also will occur whenever there is a change of the AEDHS, DCO, DCOA(s) or security officer;

(9) Immediately reporting any violation of these procedures to the AEDHS.

(b) The Document Control Officer's Assistant (DCOA), designated by the AEDHS is responsible for performing the duties assigned by the DCO and acting for the DCO in routine matters in the absence of the DCO.

§ 1017.7 Employee responsibilities.

(a) Commission employees who are authorized access to selected confidential information are responsible for the following:

(1) Controlling and safeguarding all selected confidential information they receive in accordance with these procedures. Employees must execute a Confidentiality Agreement (Appendix I) before they are granted access to selected confidential information;

(2) Discussing selected confidential information only with authorized persons;

(3) Safeguarding selected confidential information when it is in actual use;

(4) Safeguarding combinations to storage containers that contain selected confidential information when the information is not being used;

(5) Immediately reporting possible violations of these procedures to the DCO;

(6) Not reproducing selected confidential information except with the approval and under the supervision of the DCO;

(7) Not discussing selected confidential information over the telephone except with permission of the DCO;

(8) Returning selected confidential information to the DCO at the close of business each day for safeguarding in accordance with these procedures.

§ 1017.8 Security officer responsibilities.

(a) The Executive Director shall appoint a security officer.

(b) The Security Officer shall be responsible for the following:

(1) Ensuring that appropriate investigations required in § 1017.28 are conducted regarding the AEDHS and for the DCO and any assistant(s), and also, regarding employees to whom access to selected confidential information is provided in accordance with these procedures;

(2) Maintaining a file of signed Confidentiality Agreements (Appendix I) which must be executed by all employees who are granted access to selected confidential information;

(3) Conducting periodic physical security surveys to ensure compliance with these procedures;

(4) Investigating any alleged or suspected wrongful disclosure of selected confidential information and furnishing the results of the investigation to the AEDHS, for any appropriate action;

(5) Investigating any alleged or suspected violation of these procedures by an employee and furnishing the results to the AEDHS for any appropriate action;

(6) Investigating any alleged or suspected violations of contract or subcontract security procedures and reporting the results to the AEDHS for any appropriate action;

(7) Notifying the Chief, Information Control Branch, Management Support Division, EPA, when there is to be an investigation of a suspected breach of security regarding disclosure of confidential business information received from EPA and/or documents generated therefrom by CPSC staff, or procedures relating thereto, involving an

employee, contractor, subcontractor, as referred to in paragraphs (b) (4), (5) and (6) of this section;

(8) Immediately reporting to the Chief, Information Control Branch, Management Support Division, EPA, the results of any investigation regarding a suspected breach of security involving EPA confidential business information;

(9) Administering, witnessing, and maintaining the Confidentiality Agreement For CPSC Employees Upon Termination or Transfer (Appendix II) for each employee who has had access to selected confidential information and is transferring from or terminating his/her employment with the Commission;

(10) Conducting periodic inspections of contractor or subcontractor facilities to determine compliance with required security procedures.

§ 1017.9 Other individuals' responsibilities; Chief, Contracts Branch; Project Officer; Chief, Data Processing.

(a) The Chief of the Contracts Branch of the Directorate for Administration is responsible for the following:

(1) Ensuring that the clause entitled "Security Procedures for Handling Confidential Information, Provided to Contractors and Subcontractors" Appendix VIII, is included in any Request for Proposals, contract, or subcontract where the contractor subcontractor will have access to selected confidential information;

(2) Reporting any alleged violations of the contract or subcontract security provisions to the Security Officer.

(b) The Project Officer for a contract is responsible for transferring selected confidential information to a contractor/subcontractor and ensuring that all the information is returned at the completion of the contract work.

(c) The Chief of the Automatic Data Processing Division of the Directorate for Administration is responsible for ensuring:

(1) That no confidential business information obtained from EPA is computerized;

(2) That no confidential chemical product formula data submitted in response to the Commission's special order of August 21, 1975 is stored on-line on a computer; and

(3) That all data processing of other proprietary data that may be subject to this rule by employees or by contractor or subcontractor employees is performed on a computer that has adequate security safeguards.

§ 1017.10 [Reserved]**§ 1017.11 [Reserved]****§ 1017.12 [Reserved]****§ 1017.13 [Reserved]****§ 1017.14 [Reserved]****Subpart C—Procedures for Handling Selected Confidential Information****§ 1017.15 Document control officer procedures upon receiving information.**

(a) Upon receipt of documents containing selected confidential information, the DCO shall:

- (1) Assign a document control number to each document;
- (2) Attach a Selected Confidential Business Information cover sheet to the information (Appendix V); and
- (3) Enter the required information into the Inventory Log (Appendix VI) including a description of the document, date received, and name of submitter.

§ 1017.16 Storage of selected confidential information.

(a) When selected confidential information is not in use and at the close of business each day, the DCO must store the selected confidential information, at a minimum, within a metal cabinet with a bar and a three-way changeable combination padlock approved by the Security Officer.

(b) The metal cabinet or other approved security container must be located in a room(s) that the AEDHS has authorized and which is approved, before use, by the Security Officer.

(c) The room(s) must have doors which are simplex locked and one or more of the following, depending upon the location, construction, and configuration of the room:

- (1) Contact alarmed doors/windows;
- (2) Ultrasonic alarm;
- (3) Vibration alarms; or
- (4) Other remote intrusion alarms.

(d) Only the AEDHS, the DCO and any assistant(s), and the Security Officer are authorized to be given the combinations to the room(s) and to the storage container(s).

(e) The room lock and the storage container combinations must be changed by the Security Officer at least once each year and every time an employee having access to the storage containers terminates employment or transfers to responsibilities that do not allow access.

§ 1017.17 Protection of selected confidential information during use.

(a) Except as provided in paragraph (b) selected confidential information, when in actual use by an authorized person, shall be protected as follows:

(1) Kept under the constant surveillance of an authorized person who is in a physical position to exercise direct security control over the material;

(2) Covered, turned face down, placed in storage containers, or otherwise protected when unauthorized persons are present or when the material is not in use during the day;

(3) Discussed only with other authorized persons; and

(4) Returned to the DCO at the close of business each day.

(b) In instances where selected confidential information is to be given to a contractor or subcontractor, the information shall be handled in the same manner as described in paragraph (a) except that it shall be returned at the close of business each day to the person designated by the contractor or subcontractor to safeguard selected confidential information.

§ 1017.18 Reproduction of selected confidential information.

The reproduction of selected confidential information should be kept to an absolute minimum. Reproduction of selected confidential information may be done only with the approval and under the supervision of the DCO or his/her assistant(s). The DCO or his/her assistant shall enter all copies into the document control system (Inventory Log, Appendix VI), notify the AEDHS, and apply the same control requirements as for the original.

§ 1017.19 Destruction of selected confidential information.

(a) Documents containing selected confidential information may be destroyed only with the written approval of the AEDHS and the General Counsel;

(b) Documents shall be destroyed by shredding or burning under the supervision of the DCO and in the presence of a witness.

(c) The DCO shall record the destruction on the Inventory Log (Appendix VI) and the Record Disposition Log (Appendix VII) and shall maintain the Inventory Log and a copy of the User Sign-Out Log (Appendix IV) for all records destroyed for a period of at least five years.

§ 1017.20 Discussion of selected confidential information in meetings.

(a) In any meeting, symposium, panel discussion, or seminar in which selected confidential information will be discussed by Commission employees, the meeting chairperson shall:

(1) Be a person authorized to have access to selected confidential information;

(2) Ensure that only persons authorized to have access to selected confidential information are present when such information is to be discussed;

(3) Provide a sign-in sheet, including the date, time, place, and subject of the meeting and require all attendees to sign it. The chairperson shall give the sign-in sheet to the DCO who will retain it for one year.

(4) Review with the attendees their responsibility for safeguarding selected confidential information.

(5) Ensure that no electronic recording is made of the meeting unless the chairperson has authorized it. If authorized the recording must be treated as all other selected confidential information and the DCO must enter it into the document control system;

(6) Ensure that the meeting room is secured after the meeting. This shall include erasing all blackboards, destroying all tear sheets and other notes, and ensuring that nothing is left in the room which could lead to an unauthorized disclosure of selected confidential information.

§ 1017.21 Newly created documents containing selected confidential information.

When a new document is created by extracting information from selected confidential documents, the newly created document shall be brought to the attention of the DCO by the close of business on the day it is created. The DCO shall follow the procedures in this subpart for numbering and logging the new document. Notes containing selected confidential information taken from a document or at a meeting shall likewise be brought to the attention of the DCO for numbering and logging on the day they are created.

§ 1017.22 Transfer of selected confidential information.

(a) Selected confidential information shall be transferred between geographic locations by personal delivery or by registered mail. Personal delivery by a person authorized to have access to selected confidential information shall be the preferred method. In no case will the original or the single copy of selected confidential information be transferred by regular mail.

(b) If the information is to be transmitted by mail, the DCO must send it by registered mail, return receipt requested, in a double envelope. The inner envelope must reflect the name and address of the recipient with the following wording on the front side of the inner envelope: "Confidential

Business Information—To be opened by addressee only." The outer envelope must reflect the normal address without the additional wording.

§ 1017.23 Lost or misplaced documents.

If any employee becomes aware that a document containing selected confidential information is lost or otherwise unaccounted for, he/she shall immediately notify the DCO. If the document is not located within eight working hours, the DCO shall refer the matter to the Security Officer. If the document contains confidential business information received from EPA, the Chief Information Control Branch, Management Support Division, EPA, must be notified at the same time the CPSC Security Officer is notified.

§ 1017.24 Violations of security by Commission employees.

(a) If an employee violates or apparently violates the security provisions of this Part the Security Officer shall investigate the violations or apparent violations, and report the matter to the AEDHS and the General Counsel.

(b) If the investigation by the Security Officer uncovers a violation of the security requirements of this Part and there is no evidence of any unauthorized disclosure, the Security Officer shall inform the AEDHS and the General Counsel.

(c) If the investigation by the Security Officer uncovers the unauthorized disclosure of selected confidential information, the Security Officer shall inform the AEDHS who shall immediately notify the Executive Director and the General Counsel.

(d) If there is a violation or an apparent violation of the security regulations of this Part and/or an investigation thereof, as referred to in paragraphs (a), (b) and (c) above, involving confidential business information received from EPA, the Chief, Information Control Branch, Management Support Division, EPA, must be immediately notified.

(e) The results of any such investigation regarding a violation or apparent violation of security involving confidential business information received from EPA must be immediately reported to the Chief, Information Control Branch, Management Support Division, EPA.

(f) If the investigation by the Security Officer uncovers information reflecting a possible criminal violation, the Security Officer will immediately inform the AEDHS who shall immediately inform the Executive Director and the General Counsel. If there is evidence of a

criminal violation, the General Counsel shall refer the matter to the Department of Justice pursuant to 28 U.S.C. 535.

§ 1017.25 [Reserved]

§ 1017.26 [Reserved]

Subpart D—Procedures for Authorizing Access for Employees and for Employees To Obtain Access

§ 1017.27 Request and approval for access to selected confidential information.

(a) A Commissioner, the Executive Director, Deputy Executive Director, Associate Executive Directors, the General Counsel, and Office Directors have authority to request access to selected confidential information for themselves or employees under their supervision. A request must be made to the AEDHS by completing Part 1 of the document "Request for Access to Selected Confidential Information." (Appendix III) The request must be accompanied by a Confidentiality Agreement (Appendix I) signed by the employee for whom access is requested.

(b) The AEDHS shall approve the request for access by completing Part 2 of the request form (Appendix III) unless he/she can demonstrate that the employee does not have a legitimate need to have access to the selected confidential information. If the AEDHS approves the request for access, he/she shall send the completed form to the Security Officer who will be responsible for ensuring that an appropriate security investigation is conducted, as described in § 1017.28.

(c) If the AEDHS determines that an employee does not have a legitimate need to have access to selected confidential information, this decision may be appealed to the Executive Director. If the Executive Director upholds the decision of the AEDHS, the denial of access may be appealed to the Chairman.

§ 1017.28 Investigations.

(a) At a minimum, all employees must have a National Agency Check and Inquiries (NACI) completed before being given access to selected confidential information unless a waiver is obtained in accordance with paragraph (b). The Security Officer, upon receipt of completed Parts 1 and 2 of a request form for employee access to selected confidential information (Appendix III), will notify the Personnel Office and request that a NACI investigation be conducted for the employee if one has not been done previously. Upon completion of the NACI indicating that there is nothing of record to preclude the employee's being given access to

selected confidential information, the Security Officer will complete Part 3 of the request form (Appendix III) to authorize the employee to have access to selected confidential information. The Security Officer shall then notify the employee and the DCO who will place the employee's name on the authorized access list.

(b) If a NACI investigation has not been completed for an employee and there is an urgent need for the employee to have access to selected confidential information, the AEDHS may temporarily waive the requirement for a NACI. If the AEDHS waives the report, he/she shall notify the DCO of the waiver in writing and authorize the DCO to place the employee's name on the authorized access list provided that the Security Officer immediately initiates a NACI investigation.

(c) The DCO and any assistant(s), the Security Officer, the AEDHS and employees, who because of their position require full and continuous access to selected confidential information, must have a full background investigation completed before assuming their responsibilities under this Part except as provided in paragraph (d). The Personnel Office will verify to the Security Officer that a full background investigation of the responsible officials has been conducted and that there is nothing of record to preclude them from having access to selected confidential information or from assuming their responsibilities under this Part. The Security Officer will then inform the Executive Director who will authorize the responsible officials in writing that they may have access or assume their responsibilities under this Part.

(d) The Security Officer may recommend to the AEDHS that the requirement for a full background investigation for the DCO and any assistants be waived when there is an urgent need for the official to assume his/her duties. If the AEDHS approves the waiver, he/she will notify the appropriate official in writing that the official may assume his/her responsibilities immediately, provided that a NACI investigation has been completed, there is nothing of record to preclude the official from assuming his/her responsibilities, and the Security Officer immediately initiates a full background investigation. No waiver of a full background investigation for the Security Officer is permitted.

§ 1017.29 Employee access to information.

(a) To obtain access to selected confidential information, an employee who is authorized to have access to selected confidential information in accordance with § 1017.15 of this regulation, (authorized employee) must request the information from the DCO.

(1) The DCO must verify that the requester is on the authorized access list;

(2) The DCO will retrieve the document from storage and give it to the authorized employee;

(3) The authorized employee must return the document to the DCO by close of business the same day;

(4) The DCO will enter the appropriate information in the User Sign-out Log (Appendix IV) including the name of the authorized employee who received the document and the date and time checked out;

(5) The DCO will assure that each document has a control number and CPSC Selected Confidential Information cover sheet (Appendix V) before releasing the document, as required by Subpart E below.

(b) If a document is not returned to the DCO by the time it was scheduled to be returned, the DCO will immediately notify the Security Officer who will investigate the matter.

§ 1017.30 [Reserved]**§ 1017.31 [Reserved]****Subpart E—Computer Security Requirements****§ 1017.32 Computer processing.**

(a) No confidential business information obtained from EPA shall be stored or processed on a computer.

(b) The chemical formula data obtained by Special Order of 1975 and any other proprietary data made subject to this rule shall not be stored on a computer. When it is necessary to process such data on a computer, the prior written approval of the AEDHS or the Executive Director must be obtained. A request for processing addressed to the AEDHS or the Executive Director must identify the requester, and contain a description of the need for processing and the document(s) which will result from the processing.

(c) Magnetic tapes, punch cards and other input media containing confidential chemical formula data obtained by Special Order of 1975 or other proprietary data made subject to this rule shall be hand-carried by a Commission employee who is authorized to have access to the information to the appropriate computer

facility. All processing shall be done under that employee's supervision and in that employee's presence on a computer which is at that time exclusively dedicated to the processing of confidential chemical formula data obtained by Special Order of 1975 or other proprietary data made subject to this rule. After completion of the processing, no confidential data covered by this rule shall remain in the computer. The authorized employee shall hand-carry the material, both original and newly generated, back to the Commission for protective custody.

(d) The DCO shall maintain complete records on instances of computer processing of the material, citing the location of the facility, the employee witnessing the computer processing of the material, and the date and time of the processing. Any computer-generated material shall be logged and safeguarded in accordance with the procedures to Subpart C.

(e) All processing must be done at a computer facility which has security procedures that meet or exceed the standards set forth in the HEW Manual on ADP Systems Security Required by the Privacy Act of 1974, IPS Publication 3 (July 24, 1975). If a contractor's or subcontractor's computer facilities are used for the processing of confidential chemical data, those facilities must meet or exceed the standards of the HEW Manual. The procedures in § 1017.39 of these regulations must also be followed for contractors or subcontractors.

§ 1017.33 [Reserved]**Subpart F—Authorization for the Commission To Provide Access to Selected Confidential Information to Members of the Chronic Hazard Advisory Panels****§ 1017.34 Chronic Hazard Advisory Panels access to selected confidential information.**

(a) The Commission is authorized to provide access to selected confidential information to members of the Chronic Hazard Advisory Panels (CHAP), established pursuant to Section 28 of the CPSA, as amended in 1981, 15 U.S.C. 2077.

(b) The selected confidential information will be furnished to CHAP under all of the safeguards relating to Commission employees provided in Subparts B through E herein.

(c) Members of CHAP who obtain access to selected confidential information are subject to all of the provisions of Subparts B through E herein relating to Commission employees.

Subpart G—Security Requirements for Contractors and Subcontractors**§ 1017.35 Contractor and subcontractor access to selected confidential information.**

(a) Contractors and subcontractors are responsible for maintaining the confidentiality of selected confidential information to which they are given access under the terms of a contract.

(b) Selected confidential information may be furnished to Commission contractors and subcontractors only when it is necessary for the performance of work specified in the contract or subcontract, when the contract or subcontract contains the required clauses, when the contractor or subcontractor and their employees sign confidentiality agreements, and when the procedures in this subpart have been followed.

§ 1017.36 Contracts and subcontracts involving access to selected confidential information.

(a) When a Commission office initiates a Request for Proposals for a contract and the contractor or subcontractor will need access to selected confidential information to perform the work, the Project Officer responsible for the contract must request approval for such access from the AEDHS prior to initiating a request for proposals. The AEDHS shall approve or disapprove the request in writing based upon a determination of whether the contractor/subcontractor would require access to perform the contract and shall notify the person making the request of the decision.

(b) If the AEDHS determines that a contractor or subcontractor does not have a legitimate need to have access to data, this decision may be appealed to the Executive Director. If the Executive Director upholds the decision of the AEDHS, the denial of access may be appealed to the Chairman.

(c) After the AEDHS has approved a request for contractor or subcontractor access, the office requesting the access shall notify the Contracts Branch that the Request for Proposals and resulting contract must include the contract provision set forth and Appendix VIII, "Security Procedures for Handling Selected Confidential Information Provided to Contractors and Subcontractors."

§ 1017.37 Award of contracts and subcontracts involving selected confidential information.

In evaluating the proposals submitted by offerors responding to the Request for Proposals, the Contracts Branch and the requesting office shall consider any

potential organizational conflicts of interest that might preclude the handling of selected confidential information by the successful offeror. They shall also consider the offeror's past performance on similar contracts or subcontracts involving the handling of confidential business information or other information of a sensitive nature, such as national defense information or privacy information.

§ 1017.38 Modifying existing contracts and subcontracts involving selected confidential information.

When a contract or subcontract is already in effect and a Commission office determines that it will be necessary to furnish selected confidential information to a contractor or subcontractor to perform the work required, the procedures set forth in §§ 1017.32, 1017.35 and 1017.36 will be followed. The contract or subcontract shall be modified to include the provisions set forth in Appendix VIII.

§ 1017.39 Contractor computer use of selected confidential information.

(a) Confidential business information furnished by EPA may not be computerized by a contractor or subcontractor.

(b) If under a proposed contract or subcontract or a proposed modification of an existing contract or subcontract, the chemical formula data obtained by Special Order in August 1975 or any other data made subject to this rule, except the data in § 1017.39(a), is required to be processed on the contractor's or subcontractor's computer, the requirements of § 1017.32 shall apply. In addition the following procedures shall apply:

(1) The request for contractor or subcontractor access initiated under this subpart must specify the need for computer use;

(2) The offeror, contractor, or subcontractor must develop and submit with its proposal a computer security plan. The AEDHS, with the assistance of the Security Officer and the Automatic Data Processing Systems Division, will review the computer security plan to determine its adequacy. If the plan is adequate, the offeror may be considered for award of a contract or subcontract, or the contract or subcontract may be modified.

(b) In the event a contractor's or subcontractor's facility is required to be inspected under this part, representatives of the Automatic Data Processing Division will assist the Security Officer in conducting the inspection.

§ 1017.40 Transfer of selected confidential information to contractors and subcontractors.

(a) The project officer responsible for the contract or subcontract shall request the required selected confidential information from the DCO. The request shall include the identity of the contractor or subcontractor, the number of the contract or subcontract, a statement that the appropriate clauses are included in the contract or subcontract and that the contractor and subcontractor employees having access to the information have signed a nondisclosure statement. A copy of the approval given by the AEDHS should also be attached.

(b) Upon receipt of a request, the DCO shall provide the requested information to the project officer who shall deliver the information to the contractor or subcontractor in person, if feasible. The project officer shall obtain a written receipt for the information from the contractor or subcontractor and send it to the DCO.

(c) If the information is to be transmitted to the contractor or subcontractor by mail, the DCO must send it by registered mail, return receipt requested, in a double envelope. The inner envelope must reflect the name and address of the recipient with the following additional wording on the front side of the inner envelope: "Confidential Business Information—To be Opened by Addressee Only." The outer envelope must reflect the normal address without the additional wording.

§ 1017.41 Inspection of contractor and subcontractor facilities.

(a) After the award or modification of a contract, the Contracts Office shall immediately request the Security Officer to verify and certify in writing that a contractor or subcontractor has in place adequate facilities and procedures to ensure the security of selected confidential information.

(b) A copy of the Security Officer's report must immediately be sent to the Chief, Information Control Branch, Management Support Division, EPA, for approval. Until CPSC receives such approval it must not furnish to any contractor or subcontractor any confidential business information it has received from EPA.

(c) The Contracts Office may request the Security Officer to assure himself/herself that the contractor has taken necessary steps to protect the selected confidential information. A copy of the Security Officer's report shall immediately be sent to the Chief, Information Control Branch, Management Support Division, EPA.

§ 1017.42 Return of information.

Upon completion of the contractor and subcontract, the project officer responsible for the contractor or subcontract shall obtain all copies of the information from the contractor or subcontractor and send them to the DCO.

§ 1017.43 Violations of security by contractors and subcontractors.

(a) If a contractor or subcontractor violates or apparently violates the security terms of a contractor or subcontract obligating it to protect selected confidential information, the Security Officer shall investigate the violations or apparent violations, and report the matter to the AEDHS and the General Counsel.

(b) If the investigation by the Security Officer uncovers a violation of the security requirements of the contract and there is no evidence of any unauthorized disclosure, the Security Officer shall inform the AEDHS, the General Counsel and the Contracting Officer who shall take appropriate action under the terms of the contract or subcontract.

(c) If the investigation by the Security Officer uncovers the unauthorized disclosure of selected confidential information, the Security Officer shall immediately inform the AEDHS who shall immediately notify the Executive Director and the General Counsel. Appropriate action under the terms of the contract or subcontract shall be taken. This action may include terminating the contract or subcontract and/or notifying any affected business so that it may pursue remedies as set forth in the contract or subcontract.

(d) If the investigation by the Security Officer uncovers information reflecting a possible criminal violation, the Security Officer will immediately inform the AEDHS who shall immediately notify the General Counsel. If there is evidence of a criminal violation, the General Counsel shall refer the case to the Department of Justice pursuant to 15 U.S.C. 2613(d)(2).

Request for Comments

Interested persons are invited to submit written comments by September 7, 1982. Comments may be accompanied by written data, views and arguments, and should be addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.

Received comments may be seen in the Office of the Secretary, Eighth Floor, 1111 18th Street, N.W., Washington, D.C. between 8:30 a.m. and 5:00 p.m., Monday through Friday. (Sec. 6(a)(2), Pub. L. 92-

573, 86 Stat. 1207; 15 U.S.C. 2055(a)(2), as amended by the Consumer Product Safety Act Amendments of 1981 (Pub. L. 97-35, 95 Stat. 703-752)).

Dated: June 30, 1982.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 82-18364 Filed 7-6-82; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76-098 (Montana—1)]

High-Cost Gas Produced from Tight Formations; Public Hearing

July 1, 1982.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of public hearing.

SUMMARY: On June 1, 1982, the Director of the Office of Pipeline and Producer Regulation of the Federal Energy Regulatory Commission issued a Notice of Proposed Rulemaking (47 FR 24342, June 4, 1982) proposing to adopt the recommendation of the Montana Oil and Gas Conservation Board and the United States Minerals Management Service that the Bowdoin, Greenhorn and Phillips Formations in Montana be designated as tight formations under § 271.703 of the Commission's regulations (18 CFR 271.703). Pursuant to a request from an interested party received in response to the Notice of Proposed Rulemaking, a public hearing will be held in this docket.

DATES: The public hearing will be held on Monday, July 27, 1982, at 10:00 a.m. Requests to participate and amount of time requested should be directed to the Secretary of the Commission no later than July 19, 1982.

ADDRESS: The hearing will be held in a hearing room at the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Requests to participate and questions regarding participation should be directed to the Office of the Secretary, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8511.

SUPPLEMENTARY INFORMATION: The public hearing will not be of a judicial or evidentiary type. There will be no cross examination of persons presenting

statements. However, the panel may question such persons and any interested persons may submit to the presiding officer questions to be asked of persons making statements. The presiding officer will determine whether the question is relevant and whether the time limitations permit it to be presented. Any further procedural rules will be announced by the presiding officer at the hearing. Transcripts of the hearing will be available in the public file for this proceeding, Docket No. RM79-76-098 (Montana—1), in the Commission's Office of Public Information, and may be ordered from that office.

Requests to participate in the hearing should be submitted by July 19, 1982, to the Office of the Secretary, and should request the amount of time required for the oral presentation. Persons participating at the hearing should, if possible, bring 50 copies of their testimony to the hearing. A list of the participants in the hearing will be available in the Commission's Office of Public Information and at the hearing room on the morning the hearing is convened.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-18365 Filed 7-6-82; 8:45 am]

BILLING CODE 6717-01-M

FEDERAL MEDIATION AND CONCILIATION SERVICE

29 CFR Part 1404

Arbitration Services; Procedures and Fees

AGENCY: Federal Mediation and Conciliation Service.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Mediation and Conciliation Service is proposing to amend 29 CFR Part 1404 by (1) deleting the first sentence of § 1404.16(a) which states "No administrative or filing fee is charged by the Service", and (2) adding a new Subpart D—Fees for Arbitration Services. The Purpose of the deletion and the new Subpart is to establish a system of fees which will equal the cost of the services provided by this agency's Division of Arbitration Services. The appropriation provisions for FMCS currently before the Congress provide that no part of the appropriation shall be available for arbitration services except to the extent that fees are collected from the users of such services, and that the Director of FMCS shall prescribe fees to recover the total expense of the services furnished. If these provisions are

enacted, compliance by FMCS will be initiated by the issuance of final fee regulations.

DATE: Written comments must be received by September 7, 1982.

FOR FURTHER INFORMATION CONTACT:

Nancy B. Broff, General Counsel, Federal Mediation and Conciliation Service, 2100 K Street, N.W., Washington, D.C. 20427, phone number (202) 653-5305.

SUPPLEMENTARY INFORMATION:

Interested persons and parties are invited to participate in the development of the proposed regulations by submitting such written comments, arguments or views as they may desire. All written communications received on or before the date required for submission will be considered by the Director before action is taken on the proposed regulations. All written submissions will be available for public inspection during business hours in the Office of the General Counsel, Room 908, 2100 K Street, N.W., Washington, D.C.

The considerations underlying the proposed changes are: (1) Since the benefits of arbitration services accrue primarily and directly to the users, it is appropriate that they incur the cost; (2) users of these services currently pay the arbitrator's charges themselves, and (3) the free provision of these arbitration services unnecessarily affects private agencies which must charge a fee for similar services.

The anticipated effects of the proposed changes are: (1) Only a minor impact on the conduct of labor-management relations, and (2) some reduction in FMCS arbitration caseload.

The proposed regulation has been reviewed under the provisions of Executive Order 12291 and has been determined not to be a major rule. It is also certified, in accordance with the Regulatory Flexibility Act (5 U.S.C. 601, et. seq.) that this rule if promulgated will not have a significant impact on a substantial number of small entities.

List of Subjects in 29 CFR Part 1404

Administrative practice and procedure, Labor management relations, Arbitration.

PART 1404—ARBITRATION SERVICES

§ 1404.16 [Amended]

1. It is proposed that Part 1404 of Title 29 of the Code of Federal Regulations be amended by removing the first sentence of § 1404.16(a) which reads: "No administrative or filing fee is charged by the Service".

2. Part 1404 is further amended by adding the following new Subpart:

Subpart D—Fees for Arbitration Services

Sec.

1404.18 Fee schedule.

1404.19 Payment of fees.

Subpart D—Fees for Arbitration Services

§ 1404.18 Fee schedule.

The schedule of fees for arbitration services is as follows:

(a) For furnishing a panel of arbitrators in conformance with § 1404.12—twenty five dollars (\$25.00).

(b) For the direct appointment of an arbitrator, without the furnishing of a panel—thirty dollars (\$30.00).

(c) For the appointment of permanent umpires, boards or panels—cost will be determined based on the particular request.

§ 1404.19 Payment of fees.

Payment shall be made at the time that a request for arbitration services is made. Requests for services which are not accompanied by payment will not be honored. Payments shall be made by certified check or money order, made payable to "Federal Mediation and Conciliation Service", and should be sent to FMCS, Division of Arbitration Services, 2100 K Street, N.W., Washington, D.C. 20427.

Dated: July 1, 1982.

Kenneth E. Moffett,
Director.

[FR Doc. 82-18361 Filed 7-6-82; 8:45 am]

BILLING CODE 6732-01-M

Secretary of the Interior on the approval of the Iowa Permanent Regulatory Program (hereinafter referred to as the Iowa program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

This notice sets forth the times and locations that the Iowa program and the proposed amendments are available for public inspection, the comment period during which interested persons may submit written comments on the proposed program elements, and the procedures that will be followed at the public hearing.

DATE: Written comments must be received on or before 4:00 p.m. on August 13, 1982, to be considered in the Secretary's decision on whether the one proposed amendment satisfies the Secretary's condition of approval of the Iowa program, and on whether the other proposed amendment satisfies the criteria for approval for State program amendments at 30 CFR 732.15.

A public hearing on the proposed modifications has been scheduled for 7:00 p.m. on August 10, 1982, at the address listed below under "ADDRESSES".

Any person interested in making an oral or written presentation at the hearing should contact Richard Rieke at the address and phone number listed below by July 29, 1982. If no person has contacted Mr. Rieke to express an interest in participating in the hearing by the above date, the hearing will be cancelled. A notice announcing any cancellation will be published in the **Federal Register**.

ADDRESSES: The public hearing will be held at the Holiday Inn, Capital Plaza, 1050 6th Ave., Des Moines, Iowa 50314. Written comments should be mailed or hand delivered to: Richard Rieke, State Office Director, Office of Surface Mining Reclamation and Enforcement, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106; Telephone (816) 374-3920.

Copies of the Iowa program, the proposed modifications to the program, a listing of any scheduled public meetings and all written comments received in response to this notice will be available for review at the OSM State Office and the Office of the State regulatory authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays.

Office of Surface Mining Reclamation and Enforcement, State Office, Scarritt Building, Fifth Floor, 818 Grand Avenue, Kansas City, Missouri 64106.

Iowa Department of Soil Conservation, Mines and Minerals Division, Wallace

State Office Building, Des Moines, Iowa 50319.

FOR FURTHER INFORMATION CONTACT:

Richard Rieke, State Office Director, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106; Telephone: (816) 374-3920.

SUPPLEMENTARY INFORMATION: On February 28, 1980, OSM received a proposed regulatory program from the State of Iowa. On October 16, 1980, following a review of the proposed program as outlined in 30 CFR Part 732, the Secretary approved in part and disapproved in part the proposed program (45 FR 68673-68675). The State of Iowa resubmitted its proposed regulatory program and after a subsequent review, the Secretary approved the program subject to the correction of three minor deficiencies. The approval was effective upon publication of the notice of conditional approval in the January 21, 1981, **Federal Register** (46 FR 5885-5892).

Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Iowa Program can be found in the January 21, 1981, **Federal Register** (46 FR 5885-5892).

The three deficiencies in the Iowa program that the Secretary required Iowa to correct as conditions of approval were as follows:

1. Iowa did not have fully enacted regulations to provide for civil and criminal sanctions for violations of the Iowa law, regulations and conditions of permits and exploration approvals, including penalties consistent with section 518 of SMCRA (30 U.S.C. 268) and 30 CFR Part 845.

2. The Iowa Administrative Procedures Act requires that an administrative hearing be held prior to the issuance of a cessation order for failure to abate a violation. This requirement conflicts with section 14(2) of the Iowa Surface Coal Mining Act and with section 521(a)(3) of SMCRA, which provide that a cessation order shall be issued immediately upon the expiration of the time for abatement if abatement has not been accomplished.

3. The Iowa program did not establish penalties as stringent as those provided in section 704 of SMCRA relating to protection of employees during performance of their duties.

In accepting the Secretary's conditional approval, Iowa agreed to correct the regulatory deficiencies

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 915

Public Comment and Opportunity for Public Hearing on Modified Portions of the Iowa Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule: Notice of receipt of permanent program modifications; public comment period and opportunity for public hearing.

SUMMARY: OSM is announcing procedures for the public comment period and for a public hearing on the substantive adequacy of two program amendments, one of which is intended to satisfy a condition imposed by the

concerning provisions for proposal and assessment of civil penalties and protection of State employees by July 1, 1981, and the statutory deficiency concerning the issuance of cessation orders for failure to abate notices of violations by January 1, 1982. In a Federal Register notice dated February 23, 1982, [47 FR 7829-7830], the Secretary extended the date to correct the statutory deficiency to September 1, 1982.

Submission of Revisions

On October 1, 1981, OSM received from the Iowa Department of Soil Conservation, revisions to its permanent program intended to correct deficiencies numbers 1 and 3 above.

Following a review of the amendments submitted by Iowa as outlined in 30 CFR 732, the Secretary determined that the amendments submitted by the State satisfied conditions 1 and 3. Notice of the Secretary's decision to approve the amendments and to remove conditions "a" and "c" was published in the Federal Register on May 26, 1982 (47 FR 22950-22954).

On June 7, 1982, OSM received from the Iowa Department of Soil Conservation an adopted statutory amendment (Iowa Senate Bill 2660) which revises the Iowa Surface Coal Mining Act at section 83.14, subsection 2, unnumbered paragraph 2, Code 1981 and at section 83.14, subsection 7, paragraph a, Code 1981. The full text of Iowa Senate Bill 2660 is contained in the Iowa Administrative Record, under number IA-203.

Section 1 of the bill amends section 83.14.2, Iowa Code (1981) to allow the director of the Iowa Department of Soil Conservation to issue a cessation order for a coal operator's failure to abate a violation within the time allowed, without having to comply with the normal prior hearing requirements of the Iowa Administrative Procedures Act, section 17A.18.3, I.C. (1981). This change is intended to correct deficiency 2 as listed above and thereby satisfy condition "b" of the Secretary's approval as stipulated at 30 CFR 915.11(b).

Section 2 of the bill is not related to one of the conditions. It is a State-generated amendment to section 83.14.7(a), I.C. (1981) which does two things. First, it strikes the redundant phrase "on the request for temporary relief." Second, it adds a sentence that says the temporary relief hearing need not be held as a contested case under chapter 17A. The rule allows a hearing officer to hold a temporary relief hearing within the mandatory five day period

without having to comply with all the formal notice requirements that normally precede an evidentiary administrative hearing pursuant to section 17A.12, I.C. (1981). Instead, the minimum notice requirements of section 83.14.7, which are consistent with 30 U.S.C. 1275(c), govern temporary relief proceedings. The losing party still has full rights to a contested case hearing, prior to which the notice requirements of section 17A.12 will apply.

The Secretary seeks public comment on whether the statutory amendment which amends section 83.14.2 of the Iowa Code corrects deficiency 2 and thereby satisfies condition "b" of the Secretary's approval. If the program amendment is approved, the condition specified in 30 CFR 915.11(b) will be removed. In addition, the Secretary seeks comment on whether the statutory amendment to section 83.14.7(a) of the Iowa Code satisfies the criteria for approval of State program amendments at 30 CFR 732.15.

Additional Determinations

1. *Compliance with the National Environmental Policy Act.* The Secretary has determined that pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Compliance with the Regulatory Flexibility Act.* The Secretary hereby determines that this proposed rule will not have a significant economic impact on small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 et seq.

3. *Compliance with Executive Order No. 12291.* Regulations concerning satisfaction of conditions of approval of State regulatory programs under SMCRA have been granted a categorical exemption from the requirement to prepare a Regulatory Impact Analysis.

Dated: July 1, 1982.

William Schmitt,

Assistant Director, Program Operations and Inspection.

[FR Doc. 82-18368 Filed 7-6-82; 8:45 am]

BILLING CODE 4310-05-M

30 CFR Part 946

Public Disclosure of Comments Received From Federal Agencies on the Virginia Proposed Program Amendment

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Disclosure of comments on the Virginia proposed program amendment from Federal agencies.

SUMMARY: Before the Secretary of the Interior may approve State regulatory program amendments submitted under section 503(a) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), the views of certain Federal agencies must be solicited and disclosed. The Secretary has solicited comments from these agencies, and is today announcing their public disclosure.

ADDRESSES: Copies of the comments received are available for public review during business hours at:

Office of Surface Mining Reclamation and Enforcement, Room 5315, 1100 L Street NW., Washington, D.C.

Office of Surface Mining Reclamation and Enforcement, Highway 23, South, Big Stone Gap, Virginia 24219

Office of Surface Mining Reclamation and Enforcement, Flannagan and Carroll Streets, Lebanon, Virginia 24266

Virginia Division of Mined Land Reclamation, 630 Powell Avenue, Big Stone Gap, Virginia 24219.

FOR FURTHER INFORMATION CONTACT:

Mr. Arthur Abbs, Chief, Division of State Program Assistance, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, South Building, 1951 Constitution Avenue NW., Washington, D.C. 20240, Telephone: (202) 343-5361.

SUPPLEMENTARY INFORMATION: The Secretary is evaluating the proposed amendment submitted by Virginia for his review on January 28, 1982. See the April 26, 1982 Federal Register (47 FR 17827-17829). In accordance with section 503(b)(1) of SMCRA and 30 CFR 732.17(h)(10)(i), this amendment to Virginia's program may not be approved until the Secretary has solicited and publicly disclosed the views of the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the heads of other Federal agencies concerned with or having special expertise relevant to the program amendment as proposed. In this regard, the following Federal agencies were invited to comment on the Virginia program amendment:

Department of Agriculture:
Soil Conservation Service
Forest Service
Advisory Council on Historic Preservation
Department of Labor:
Mine Safety and Health Administration

Environmental Protection Agency
Department of the Interior:
Bureau of Land Management
Bureau of Mines
Fish and Wildlife Service
National Park Service
Geological Survey

U.S. Army Corps of Engineers

Of those agencies invited to comment, OSM received comments from the following offices:

Department of the Interior:
Fish and Wildlife Service
Bureau of Land Management
Minerals Management Service
National Park Service

Department of Agriculture:
Soil Conservation Service

Department of Labor:

Mine Safety and Health
Administration.

These comments are available for review and copying during business hours at the locations listed above under "Addresses".

Dated: July 1, 1982.

William Schmitt,

Assistant Director, Program Operations and Inspection, Office of Surface Mining.

[FR Doc. 82-18367 Filed 7-6-82; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-6-FRL 2078-8]

Revision to New Mexico Amended Regulation No. 801, "Excess Emissions During Malfunction, Startup, Shutdown, or Scheduled Maintenance"

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Approval.

SUMMARY: This action proposes approval of a revision to the New Mexico State Implementation Plan (SIP) which was submitted by the Governor on May 16, 1981. Specifically, the State revised Regulation No. 801 "Excess Emissions During Malfunction, Startup, Shutdown, or Scheduled Maintenance," upon EPA's request to conform with the minimum criteria established in the malfunction regulations promulgated for Kennecott Copper on April 27, 1977 (42 FR 21472).

DATES: Interested persons are invited to submit comments on this proposed action on or before August 6, 1982.

ADDRESSES: Written comments should be submitted to the address below:

Environmental Protection Agency,
Region 6, Air and Waste Management
Division, Air Programs Branch,
Implementation Plan Section, 1201 Elm
Street, Dallas, Texas 75270.

Copies of the State's submittal are available for inspection during normal business hours at the address above and at the following location: New Mexico Environmental Improvement Division, Health and Environmental Department, Air Quality Bureau, P.O. Box 968 Crown Building, Santa Fe, New Mexico 87503.

FOR FURTHER INFORMATION CONTACT: Katie Griffith, Implementation Plan Section, Region 6, Air and Waste Management Division, Air Programs Branch, 1201 Elm Street, Dallas, Texas 75270 (214) 767-2742.

SUPPLEMENTARY INFORMATION: On May 16, 1981, the Governor of New Mexico submitted the amended Regulation No. 801 "Excess Emissions During Malfunction, Startup, Shutdown or Scheduled Maintenance" as a revision to the New Mexico SIP. EPA reviewed the State's submittal in comparison with the State's previously approved malfunction regulation and developed an evaluation report,¹ which is based on the minimum criteria for an approvable malfunction regulation. This evaluation report is available for inspection by interested parties during normal business hours at the EPA Region 6 office and the other address listed above.

New Mexico's previously approved regulation does not meet any of the minimum criteria established in the malfunction regulations for Kennecott. The amended regulation meets all of the minimum criteria for an approvable malfunction regulation except that it exempts excess emissions during scheduled maintenance. However, with regard to such emissions, the source must demonstrate to the Department's satisfaction that the excess emissions could not have been avoided through better scheduling for maintenance or through better operation and maintenance practices. In a subsequent letter, the State clarified the Bureau's approach as it applies to scheduled maintenance by referencing an internal New Mexico memo. This memo provides examples of situations when excess emissions during scheduled maintenance would not be considered a violation of Regulation 801 if properly reported by a source. EPA agrees with

¹ EPA Review of New Mexico's State Implementation Plan Revision for Regulation No. 801 "Excess Emissions During Malfunction, Startup, Shutdown, or Scheduled Maintenance."

this interpretation and the procedure in which the Bureau implements the amended regulation. EPA is proposing approval of the Bureau's procedure only, and would consider appropriate enforcement actions in situations which differ significantly from the examples (e.g., where better scheduling for maintenance could have occurred).

The amended regulation also contains several definitions comparable to those which were established in the Kennecott malfunction rulemaking. The most significant one is "malfunction" which is defined as any sudden and unavoidable failure of air pollution control equipment, process equipment or process to operate in an expected manner. Failures that are caused entirely or in part by poor maintenance, careless operation or any other preventable equipment breakdown shall not be considered a malfunction. In adopting this definition, the State has established that it does not consider preventable upsets to be malfunctions.

The amended regulation is much more stringent than the previously approved regulation since it meets the minimum criteria; requires more documentation by the source; requires the State to evaluate the submitted documentation; and contains several definitions comparable to those which were established in the Kennecott malfunction rulemaking.

Based on these factors, EPA is proposing approval of the amended Regulation No. 801.

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

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

List of Subjects in 40 CFR Part 52

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

This notice of proposed approval is issued under the authority of section 110 of the Clean Air Act, as amended, 42 U.S.C. 7410.

Dated: March 10, 1982.

Dick Whittington,

Regional Administrator.

[FR Doc. 82-18324 Filed 7-6-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Parts 52 and 81

[A-5-FRL 2154-3]

Ohio State Implementation Plan; Sulfur Dioxide Standards**AGENCY:** Environmental Protection Agency.**ACTION:** Response to Petition for Reconsideration.

SUMMARY: On July 25, 1980 (45 FR 49550), EPA revised the Federally promulgated Ohio State Implementation Plan for sulfur dioxide (SO₂) for PPG Industries, Inc., (PPG) Barberton plant in Summit County, Ohio. On December 30, 1981, both a petition for reconsideration of this action and a request to redesignate portions of Summit County to attainment for SO₂ were submitted to EPA on behalf of PPG. This notice announces EPA's action on this petition.

EFFECTIVE DATE: July 7, 1982.**FOR FURTHER INFORMATION CONTACT:**

Debra Marcantonio, Air Programs Branch, Environmental Protection Agency, Region V, Chicago, Illinois 60604, (312) 886-6088.

SUPPLEMENTARY INFORMATION: On August 27, 1976, EPA promulgated regulations establishing a SIP for the control of SO₂ in the State of Ohio (41 FR 36324). Enforcement of the regulations for Summit County was stayed pending data corrections on EPA's modeling. Revisions to the Summit County regulations for most sources were published on December 5, 1979 (44 FR 69928) with the regulations for PPG published on July 25, 1980 (45 FR 49550).

PPG's Petition for reconsideration of the federally promulgated Ohio State Implementation Plan for sulfur dioxide for its Barberton Plant was submitted to EPA pursuant to section 307(d)(7)(B) of the Clean Air Act. The standard for review of such a petition is whether the petition presents new information which is of central relevance to the outcome of the rulemaking. Under this standard, PPG has presented a basis for reconsidering the Federal SO₂ plan for its Barberton plant.

Although PPG's petition requests that EPA promulgate an emission limitation for the Barberton plant of 7.8 pounds of sulfur dioxide per million BTU actual heat input, an adequate attainment demonstration was not included. The State of Ohio has notified EPA, however, that it intends to submit an amended SO₂ plan for PPG which will provide for attainment and maintenance of the NAAQS. EPA expects work on the revised plan to be completed expeditiously. Therefore, EPA is granting PPG's petition for

reconsideration of the emission limitation and will take action on the State's revised plan in response to the petition.

PPG's request for redesignation was submitted to EPA pursuant to both section 307(d)(7)(B) of the Clean Air Act and the Administrative Procedure Act. Since section 307(d) applies only to certain enumerated actions, not including redesignations under section 107(d) of the Clean Air Act, EPA has decided to treat the request for redesignation as a petition for revision of a rule under section 3(e) of the Administrative Procedure Act. This section establishes a general right to petition for "issuance, amendment, or repeal" of an administrative rule (5 U.S.C 553(e)). The standard for review of such a petition is whether the petition presents new information that warrants reconsideration of the rule. See generally, *Oljato Chapter of the Navajo Tribe v. Train*, 5151 F.2d 654 (D.C. Cir. 1975). Under this standard, PPG has presented a basis for reconsidering the designation of portions of Summit County.

The State of Ohio has recently submitted a request to EPA to redesignate portions of Summit County to attainment. EPA is therefore withholding action on PPG's request until it has completed its review of the State's request. EPA will then designate Summit County as appropriate in response to both requests. This action is anticipated to appear in the **Federal Register** in the near future.

List of Subjects**40 CFR Part 52**

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

40 CFR Part 81

Environmental Protection Agency, Air pollution control, National parks, Wilderness areas.

Dated: June 30, 1982.

Anne M. Gorsuch,
Administrator.

[FR Doc. 82-18382 Filed 7-6-82; 8:45 am]

BILLING CODE 5560-50-M

40 CFR Part 180

[PP 2F2604/P243; PH-FRL 2160-3]

Proposed Tolerances; Chlorsulfuron**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Proposed rule.

SUMMARY: This notice proposes to establish tolerances for the combined residues of chlorsulfuron and its metabolite in or on certain raw agricultural commodities. This proposed regulation to establish maximum permissible level for residues of the herbicide in or on the commodities was requested by E. I. du Pont de Nemours and Co.

DATE: Comments must be received on or before July 22, 1982.**ADDRESS:** Written comments to: Robert J. Taylor, Product Manager (PM-25), Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460 (703-557-1800).**FOR FURTHER INFORMATION CONTACT:** Robert J. Taylor, PM-25, (703-557-1800).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of January 13, 1982 (47 FR 1408) which announced that E. I. du Pont de Nemours and Co., Wilmington, DE 19898, had submitted pesticide petition 2F2604 to the EPA. The petition proposed that 40 CFR Part 180 be amended by establishing tolerances for residues of the herbicide chlorsulfuron (2-chloro-N-[[4-methoxy-6-methyl-1,3,5-triazin-2-yl] aminocarbonyl]benzenesulfonamide) in or on the raw agricultural commodities barley, grain at 0.02 ppm; barley straw at 0.1 ppm; kidney and liver of cattle, goats, hogs, horses, and sheep at 0.03 ppm; meat, fat, and meat byproducts (except kidney and liver) of cattle, goats, hogs, horses, and sheep at 0.02 ppm; milk at 0.02 ppm; oat, grain at 0.05 ppm; oat, straw at 0.1 ppm; wheat, grain at 0.02 ppm; wheat, green forage at 6 ppm; and wheat straw at 0.1 ppm.

No comments were received in response to this notice of filing.

The petitioner subsequently amended the petition by proposing tolerances at different levels and to include its metabolite. Tolerances are now proposed for residues of the herbicide chlorsulfuron in or on the raw agricultural commodities milk at 0.1 ppm; meat, fat, and meat byproducts of cattle, goats, hogs, horses and sheep at 0.3 ppm. Tolerances are also proposed for the combined residues of chlorsulfuron and its metabolite, 2-chloro-5-hydroxy-N-[[4-methoxy-6-methyl-1,3,5-triazin-2-yl] aminocarbonyl]benzenesulfonamide in or on wheat, oats, and barley grain at 0.1 ppm; wheat, oats, and barley straw at 0.5 ppm; and wheat, oats, and barley forage at 20 ppm.

The data submitted in the petition and other relevant material have been

evaluated. The toxicology data considered in support of the proposed tolerances include a rat oral median lethal dose (LD₅₀) of 4,113 milligrams (mg) per kilogram (kg) of body weight (bw); a 90-day rat feeding study with a no-observed-effect-level (NOEL) of 100 ppm; a 6-month dog feeding study with a NOEL of 2,500 ppm (highest level tested); a 2-year rat oncogenic feeding study with a 3-generation reproduction sub-study that demonstrated no oncogenic potential for chlorsulfuron with a NOEL of 100 ppm and a reproduction NOEL of 500 ppm; a rat teratology study that showed a teratogenic NOEL of 2,500 ppm (highest level tested); a maternal NOEL of 2,500 ppm and a fetotoxic NOEL of 2,500 ppm; a rabbit teratology study for which a teratogenic NOEL of 75 mg/kg and a fetotoxic NOEL of 25 mg/kg was observed; a 2-year mouse oncogenic study for which no oncogenic potential was demonstrated at dosages of up to 5,000 ppm (highest level tested); a negative chinese hamster ovary cell mutation assay; a negative chinese hamster ovary cell cytogenetics assay; and a negative *salmonella*/microsome assay for mutagenic activity.

No permanent tolerances presently exist for chlorsulfuron. The 2-year rat feeding study with a NOEL of 100 ppm and a safety factor of 100 was used to calculate the acceptable daily intake (ADI). The proposed tolerances will occupy 3.6 percent of the ADI and the theoretical maximal residue contribution (TMRC) is estimated at 0.108 mg/day/1.5 kg.

The metabolism of chlorsulfuron is adequately understood for the purposes of these tolerances and an adequate analytical method is currently being tested. No tolerances are needed in poultry and eggs at this time. This chemical is classed in category 2 of 40 CFR 180.6(a) with respect to meat and milk.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request on or before August 6, 1982 that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, "[PP 2F2804/P243]". All written comments filed in response to this petition will be available in the Product Manager's Office, Registration

Division, at the address given above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

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

List of Subjects in 40 CFR Part 180

Administrative practice and procedures, Agricultural commodities, Pesticides and pests.

Dated: June 24, 1982.

Edwin L. Johnson,
Director, Office of Pesticide Programs.

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

It is proposed, therefore, that 40 CFR Part 180 be amended by establishing a new § 180.405 to read as follows:

§ 180.405 Chlorsulfuron; tolerances for residues.

(a) Tolerances are established for the combined residues of chlorsulfuron (2-chloro-*N*-[(4-methoxy-6-methyl-1,3,5-triazin-2-yl) aminocarbonyl] benzenesulfonamide) and its metabolite, 2-chloro-5-hydroxy-*N*-[(4-methoxy-6-methyl-1,3,5-triazin-2-yl)aminocarbonyl] benzenesulfonamide in or on the following raw agricultural commodities:

Commodities	Parts per million
Barley, forage.....	20.0
Barley, grain.....	0.1
Barley, straw.....	0.5
Oat, forage.....	20.0
Oat, grain.....	0.1
Oat, straw.....	0.5
Wheat, forage.....	20.0
Wheat, grain.....	0.1
Wheat, straw.....	0.5

(b) Tolerances are established for residues of chlorsulfuron (2-chloro-*N*-[(4-methoxy-6-methyl-1,3,5-triazin-2-yl) aminocarbonyl] benzenesulfonamide) in or on the following raw agricultural commodities.

Commodities	Parts per million
Cattle, fat.....	0.3
Cattle, meat.....	0.3
Cattle, meat byproducts.....	0.3
Goats, fat.....	0.3
Goats, meat.....	0.3
Goats, meat byproducts.....	0.3
Hogs, fat.....	0.3
Hogs, meat.....	0.3
Hogs, meat byproducts.....	0.3
Horses, fat.....	0.3
Horses, meat.....	0.3
Horses, meat byproducts.....	0.3
Milk.....	0.1
Sheep, fat.....	0.3
Sheep, meat.....	0.3
Sheep, meat byproducts.....	0.3

[FR Doc. 82-18032 Filed 7-6-82; 6:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[OPP-300063; PH-FRL 2160-5]

Tertiary Butylhydroquinone; Proposed Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This notice proposes that tertiary butylhydroquinone be exempted from the requirement of a tolerance when used as an inert ingredient in pesticide formulations. This action was requested by the Arizona Agrochemical Company.

DATE: Written comments must be received on or before August 6, 1982.

ADDRESS: Written comments to: Process Coordination Branch (TS-767C), Rm. 716D, CM#2, Registration Division, Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Peter Gray (703-557-7700) at the above address.

SUPPLEMENTARY INFORMATION: At the request of the Arizona Agrochemical Company, the Administrator proposes to amend 40 CFR 180.1001(d) by establishing an exemption from the requirement of a tolerance for tertiary butylhydroquinone. Inert ingredients are all ingredients which are not active ingredients as defined in 40 CFR 162.3(c), and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): solvents such as water; baits such as sugar, starches, and meat scraps; dust carriers such as talc and clay; fillers; wetting and spreading agents; propellants in aerosol dispensers; and emulsifiers. The term inert is not intended to imply

nontoxicity; the ingredient may or may not be chemically active.

Preambles to proposed rulemaking documents of this nature include the common or chemical name of the substance under consideration, the name and address of the firm making the request for the exemption, and toxicological and other scientific basis used in arriving at a conclusion of safety in support of the exemption.

Name of inert ingredient: Tertiary butylhydroquinone.

Name and address of requestor: Arizona Agrochemical Company, P.O. Box 21537, Phoenix, Arizona 85036.

Basis for Approval

1. Tertiary butylhydroquinone is regulated under 21 CFR 172.185 as a direct human food additive when used as an antioxidant in edible fats and oils at no more than 0.02 percent (200 ppm) of such fats and oils in foodstuffs.

2. Tertiary butylhydroquinone is structurally similar to another widely used antioxidant, butylated hydroxyanisole, which is used in many fatty foods and has unrestricted use in pesticide formulations under § 180.1001(c). The toxicity of tertiary butylhydroquinone is not expected to be significantly different from that of butylated hydroxyanisole.

Based on the above information, and review of its use, it has been found that, when used in accordance with good agricultural practices, this ingredient is useful and does not pose a hazard to humans or to the environment. It is concluded, therefore, that the proposed amendment to 40 CFR Part 180 will protect the public health, and it is proposed that the regulation be established as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act which contains this inert ingredient may request, on or before August 6, 1982, that this rulemaking proposal be referred to an advisory committee in accordance with section 408(d) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. These comments must bear a notation indicating both the subject and the petition and document control number "[OPP-300063]". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the Process Coordination Branch (TS-767C), at the address given above, from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

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

Pursuant to the requirements of the Regulatory Flexibility Act, (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register on May 4, 1981 (46 CFR 24950).

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

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: June 24, 1982.

Douglas D. Camp,
 Director, Registration Division.

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

Therefore, it is proposed that 40 CFR 180.1001(d) be amended by adding and alphabetically inserting tertiary butylhydroquinone to read as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *
(d) * * *

Inert ingredients	Limits	Uses
Tertiary butylhydroquinone.....	Antioxidant.

[FR Doc. 82-18031 Filed 7-6-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 6E1692/P240; PH-FRL 2162-8]

Bacillus Popilliae; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that an exemption from the requirement of a tolerance be established for residues of the insecticide *Bacillus popilliae* in or on the raw agricultural commodity pasture and rangeland forage. This proposal, which eliminates the need to

establish a maximum permissible level for residues of *B. popilliae* on pasture and rangeland forage, was submitted by the Interregional Research Project No. 4 (IR-4).

DATE: Comments must be received on or before July 22, 1982.

ADDRESS: Written comments to: Emergency Response Section, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 716B, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs (703-557-1192) at the above address.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition number 6E1692 to EPA on behalf of the IR-4 Technical Committee.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of an exemption from the requirement of a tolerance for *B. popilliae* when used as an insecticide on pasture and rangeland forage.

The data submitted in the petition and all other relevant material have been evaluated. The toxicological data considered in support of the proposed exemption from the requirement of a tolerance included: Two 21-day feeding studies (rat and monkey); an eye irritation study (rabbit); a dermal effects study (guinea pigs); and mouse pathogenicity tests using three production batches of *B. popilliae*. Spore preparations fed to rats and monkeys, instilled in rabbit eyes, or applied to intact and abraded skin of guinea pigs did not demonstrate any treatment-related effects. Sera from monkeys fed daily with spore preparations, or from guinea pigs treated by the dermal route were negative for *B. popilliae*-induced antibody. The mouse pathogenicity tests showed no evidence of infection or injury when the mice were observed seven days following injection with production batches of *B. popilliae*.

These findings and the fact that *B. popilliae* is unable to survive and proliferate at normal body temperature for man and farm animals (above 35° C), indicate that these organisms do not present a hazard to man and animals. In addition, no human or animal pathogenic organisms were detected during microbiological examination of *B. popilliae* commercial product.

Based on the above information considered by the Agency, the exemption from the requirement of a tolerance established by amended 40 CFR Part 180 would protect the public health. It is proposed, therefore, that the exemption from the requirement of a tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the Federal Register that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. As provided for in the Administrative Procedure Act (5 U.S.C. 553(d)(3)), the comment period is shortened to less than 30 days because of the necessity to expeditiously provide a means for control of Japanese beetle larvae. Comments must bear a notation indicating the document control number, "[PP 6E1692/P240]". All written comments filed in response to this petition will be available in the Emergency Response Section, Registration Division, at the address given above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

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

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: June 28, 1982.

Douglas D. Camp,

Director, Registration Division, Office of Pesticide Programs.

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

Therefore, it is proposed that 40 CFR Part 180 be amended by adding a new § 180.1076 to read as follows:

§ 180.1076 Viable spores of the microorganism *Bacillus popilliae*; exemption from the requirement of a tolerance.

(a) For the purposes of this section the microbial insecticide for which exemption from the requirement of a tolerance is being established shall have the following specifications:

(1) The microorganism shall be an authentic strain of *Bacillus popilliae* conforming to the morphological and biochemical characteristics of *Bacillus popilliae* as described in Bergey's Manual of Determinative Bacteriology, Eighth Edition.

(2) Spore preparations of *Bacillus popilliae* shall be produced by pure culture fermentation procedures with adequate control measures during production to detect any changes from the characteristics of the parent strain or contamination by other microorganisms.

(3) Each lot of spore preparation, prior to the addition of other materials, shall be tested by subcutaneous injection of at least 1 million spores into each of five laboratory test mice weighing 17 grams to 23 grams. Such test shall show no evidence of infection or injury in the test animals when observed for 7 days following injection.

(b) Exemption from the requirement of a tolerance is established for residues of the microbial insecticide *Bacillus popilliae*, as specified in paragraph (a) of this section in or on pasture and rangeland forage when it is applied to growing crops in accordance with good agricultural practices.

[FR Doc. 82-16326 Filed 7-6-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 1E2526/P238; PH-FRL 2163-2]

Carbofuran; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that a tolerance be established for the combined residues of the insecticide

carbofuran and its metabolites in or on the raw agricultural commodity cranberries. The proposed amendment to establish a maximum permissible level for residues of carbofuran and its metabolites in or on the commodity was submitted by the Interregional Research Project No. 4 (IR-4).

DATE: Comments must be received on or before August 6, 1982.

ADDRESS: Written comments to: Emergency Response Section, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 716B, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs (703-557-1192), at the above address.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition number 1E2526 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of Washington.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for the combined residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl benzofuranyl-N-methylcarbamate), its carbamate metabolite 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl-N-methyl-carbamate, and its phenolic metabolites, 2,3-dihydro-2,2-dimethyl-7-benzofuranol, 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranol, and 2,3-dihydro-2,2-dimethyl-3,7-benzofurandiol in or on the raw agricultural commodity cranberries at 0.5 part per million (ppm) (of which no more than 0.3 ppm is carbamates).

The data submitted in the petition and all other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicological data considered in support of the proposed tolerance included a 2-year chronic feeding/oncogenicity study in the rat and mouse with a no-observed-effect level (NOEL) of 20 ppm for cholinesterase-inhibition and a systemic NOEL of 20 ppm and 125 ppm, respectively; a 3-generation rat reproduction study with a NOEL of 20 ppm; two-rat teratology studies which were negative for teratogenic effects up to 160 ppm and 1.2 milligrams (mg)/kilogram (kg) of body weight (bw)/day

respectively; and mutagenicity testing which showed carbofuran not to be mutagenic.

The acceptable daily intake (ADI), based on the 2-year rat chronic feeding/oncogenicity study (NOEL of 20 ppm for systemic effects and cholinesterase-inhibition) and using a 200-fold safety factor, is calculated to be 0.005 mg/kg of body weight (bw)/day. The maximum permitted intake (MPI) for a 60-kg human is calculated to be 0.3 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5 kg daily diet is calculated to be 0.34237 mg/day; the current action will increase the TMRC by 0.00023 mg/day (0.67 percent) and will utilize an additional 0.077 percent of the ADI.

The nature of the residues is adequately understood and an adequate analytical method, gas chromatography using a nitrogen specific microcoulometric detector, is available for enforcement purposes. All residue data are from tests conducted in Washington. There are presently no actions pending against the continued registration of this chemical.

Based on the above information considered by the Agency the tolerance established by amending 40 CFR Part 180 would protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, "[PP 1E2526/P238]". All written comments filed in response to this petition will be available in the Emergency Response Section, Registration Division, at the address given above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial

number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

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

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: June 28, 1982.

Douglas D. Camp, Jr.,
Director, Registration Division, Office of
Pesticide Programs.

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

Therefore, it is proposed that 40 CFR 180.254 be amended by adding and alphabetically inserting the raw agricultural commodity cranberries to read as follows:

§ 180.254 Carbofuran; tolerances for residues.

Commodities	Parts per million
Cranberries (of which no more than 0.3 ppm is carbamates).....	0.5

[FR Doc. 82-18327 Filed 7-6-82; 8:45 am]

BILLING CODE 6560-50-M

Notices

Federal Register

Vol. 47, No. 130

Wednesday, July 7, 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

Memphis, Tenn.; Availability of Comments

Pursuant to Section 106 of the National Historic Preservation Act and § 800.6(d) of the regulations of the Advisory Council on Historic Preservation (Council), "Protection of Historic and Cultural Properties," a Panel of the Council met on June 21 and 22, 1982, to consider the proposal by the city of Memphis to demolish the Memphis Street Railway Company Office and Streetcar Complex, a property eligible for the National Register of Historic Places. The city of Memphis proposes to use Community Development Block Grant funds administered by the Department of Housing and Urban Development to carry out the demolition activity. At the meeting, the Council Panel adopted comments which have been transmitted to the city of Memphis.

This notice, pursuant to 36 CFR 800.6(d)(5), is to advise interested parties that copies of these comments are available upon request from the Executive Director, Advisory Council on Historic Preservation, 1522 K Street NW., Washington, D.C. 20005, 202-254-3495, Attention: Don L. Klima.

Dated: June 30, 1982.

Robert R. Gravey, Jr.,
Executive Director.

[FR Doc. 82-18322 Filed 7-6-82; 8:45 am]

BILLING CODE 4310-10-M

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

Federal Grain Inspection Service Advisory Committee; Meeting

Pursuant to the provisions of section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is

hereby given of the following committee meeting:

Name: Federal Grain Inspection Service Advisory Committee.

Date: July 28 and 29, 1982.

Place: U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 2096, South Building, Washington, D.C. 20250.

Time: 8:30 a.m.

Purpose: To enable the members to discuss and provide advice to the Administrator of the Federal Grain Inspection Service with respect to the efficient and economical implementation of the U.S. Grain Standards Act of 1976, in order to assure the normal movement of grain in an orderly and timely manner.

The agenda is scheduled to include (1) user fees and retained earnings, (2) official versus unofficial services, (3) several grain standardization activities, (4) weighing programs, and (5) subcommittee presentations on diverter-type mechanical samplers and supervision.

The meeting will be open to the public, but space and facilities are limited. Public participation will be limited to written statements submitted before or at the meeting unless their participation is otherwise requested by the Committee Chairman. Persons, other than members, who wish to address the Committee at the meeting, should contact Dr. Kenneth A. Gilles, Administrator, FGIS, U.S. Department of Agriculture, Washington, D.C. 20250; telephone (202) 382-0219.

Dated: June 30, 1982.

D. R. Galliard,

Acting Administrator.

[FR Doc. 82-18360 Filed 7-6-82; 8:45 am]

BILLING CODE 3410-EN-M

DEPARTMENT OF COMMERCE

International Trade Administration

Monell Chemical Senses Center; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (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.: 82-00027. Applicant: Monell Chemical Senses Center, 3500 Market Street, Philadelphia, PA 19104. Article: QMC BAT Detector, Model s100 with SMI Microprobe. Manufacturer: QMC Instruments Ltd., United Kingdom. Intended use of article: See Notice on page 60044 in the Federal Register of December 8, 1981.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is portable and operates in the range of 10 to 180 kilohertz in both the tuned and broadband modes. The Department of Health and Human Services advises in its memorandum dated March 17, 1982 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82-18372 Filed 7-6-82; 8:45 am]

BILLING CODE 3510-25-M

National Radio Astronomy Observatory; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the

regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No.: 82-00080. Applicant: National Radio Astronomy Observatory, Associated Universities, Inc., 2010 N. Forbes Blvd., Suite 100, Tucson, AZ 85705. Article: Repair of Klystron, BRB2113A30 SNO552D8. Manufacturer: Varian Canada, Inc., Canada. Intended use of article: See Notice on page 6680 in the *Federal Register* of February 16, 1982.

Comments: Comments dated February 22, 1982 have been received from the Micro-Now Instrument Co. Inc. which states "The supplier listed is the only organization qualified to do this repair." Decision: Application approved.

Reasons: No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. The foreign article is to be repaired by its manufacturer, Varian Canada, Inc., which is the supplier listed on the purchase order. This article provides an operating frequency range of 80-110 gigahertz. The National Bureau of Standards advises in its memorandum dated May 25, 1982 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purposes and (2) it knows of no domestic instruments or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82-18373 Filed 7-6-82; 8:45 am]

BILLING CODE 3510-25-M

NIEHS, et al.; Consolidated Decision on Applications for Duty-Free Entry of Accessories for Foreign Instruments

The following is a consolidated decision on applications for duty-free entry of accessories for foreign

instruments pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301). (See especially § 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82-00069. Applicant: NIEHS, P.O. Box 12233, Research Triangle Park, NC 27709. Article: Fast Atom Bombardment Upgrade. Manufacturer: VG Analytical, Ltd., United Kingdom. Intended use of article: See notice on page 4720 in the *Federal Register* of February 2, 1982.

Docket No.: 82-00094. Applicant: Chemical Industry Institute of Toxicology, 6 Davis Drive, P.O. Box 12137, Research Triangle Park, NC 27709. Article: Cryokit, Model LKB 14800. Manufacturer: LKB Instruments, Inc., Sweden. Intended use of article: See Notice on page 13394 in the *Federal Register* of March 30, 1982.

Comments: No comments have been received with respect to either of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States. Reasons: The applications relate to compatible accessories for instruments that have been previously imported for the use of the applicant institutions. The articles are being manufactured by the manufacturers which produced the instruments with which they are intended to be used. We are advised by the National Bureau of Standards and the Department of Health and Human Services in their respectively cited memoranda that the accessories are pertinent to the applicant's intended uses and that it knows of no comparable domestic articles.

The Department of Commerce knows of no similar accessories manufactured in the United States which are interchangeable with or can be readily adapted to the instruments with which the foreign article are intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82-18378 Filed 7-6-82; 8:45 am]

BILLING CODE 3510-25-M

Pacific Dental Research Foundation; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82-00052. Applicant: Pacific Dental Research Foundation, University of the Pacific, School of Dentistry, 2155 Webster Street, San Francisco, CA 94115. Article: Titanium Product System for Osseointegration. Manufacturer: Bofors Nobelpharma, Sweden. Intended use of article: See Notice on page 62307 in the *Federal Register* of December 23, 1981.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the U.S. Customs Service received this application (November 17, 1981). Reasons: The foreign article is a complete system with methods, instruments and bone compatible titanium fixtures for osseointegration. The Department of Health and Human Services advises in its memorandum dated April 1, 1982 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the

time the U.S. Customs Service received this application.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Program Staff.

[FR Doc. 82-18374 Filed 7-6-82; 8:45 am]

BILLING CODE 3510-25-M

Polytechnic Institute of New York; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No.: 81-00378. Applicant: Polytechnic Institute of New York, 333 Jay Street, Brooklyn, NY 11201. Article: Nuclear Magnetic Resonance Spectrometer, JNM/FX-90Q and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: See Notice on page 51626 in the Federal Register of October 21, 1981.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: This application is a resubmission of Docket No. 80-00343 which was denied without prejudice to resubmission on April 13, 1981 for informational deficiencies. The foreign article provides a field strength of 1.9-2.1 Tesla and $T_{1\rho}$ measurements (spin-lattice relaxation time in the rotating frame). The National Bureau of Standards advises in its memorandum dated April 26, 1982 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article

is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82-18375 Filed 7-6-82; 8:45 am]

BILLING CODE 3510-25-M

University of California; Decision on Application for Duty-Free Entry of Scientific Articles

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.: 82-00066. Applicant: University of California, Los Alamos National Laboratory, P.O. Box 990, Los Alamos, NM 87545. Article: Excimer Laser, EMG-200. Manufacturer: Lambda Physics GmbH & Co., West Germany. Intended use of article: See Notice on page 4720 in the Federal Register of February 2, 1982.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (December 11, 1980). Reasons: The foreign article provides a pulse energy output in the vicinity of 800 millijoules at 248 nanometers with a jitter less than ± 2 nanoseconds. The National Bureau of Standards advises in its memorandum dated April 2, 1982 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use available at the time the foreign article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being

manufactured in the United States at the time the foreign article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82-18376 Filed 7-6-82; 8:45 am]

BILLING CODE 3510-25-M

Washington University, et al.; Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the Federal Register.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 a.m. and 5:00 p.m., Monday through Friday, in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No.: 82-00214. Applicant: Washington University, Lindell and Skinker, St. Louis, MO 63130. Article: Servo-control Electronics. Manufacturer: Queensgate Instruments Ltd., United Kingdom. Intended use of article: This article is intended to be used in observational ground-based astronomy and remote sensing of the upper atmosphere of the Earth. The programs include the study of the atmospheres of outer planets of the solar system, comets, the winds of Venus, study of interstellar matter, planetary nebulae, and extragalactic astronomy. The upper atmospheric studies include the determination of the diurnal variations of the OH and C10 radicals which are believed to play key roles in the depletion of the ozone layer in the stratosphere. Application received by Commissioner of Customs: May 14, 1982.

Docket No.: 82-00217. Applicant: National Aeronautics and Space Administration, Mail Code HWD-2/Atkinson, Washington, D.C. 20546. Article: Low Temperature Droplet Sizing Instrument (Light Scattering Probe). Manufacturer: Institute for Steam and Gas Turbines, West Germany. Intended use of article: This article is intended to be used to detect, size, and count liquid nitrogen droplets in a cryogenic wind tunnel that can operate at pressures up to 6 atmospheres and temperatures down to 80 K. The experiments will involve mounting the probe through single flange accesses (as small as 3 inches in diameter) into the Langley 0.3-m Transonic Cryogenic Tunnel and varying the probe detection point from 6" to 24" into the tunnel. The objective of the investigation is to determine the minimum operating temperatures (MOT) of the transonic, cryogenic tunnels at which liquid nitrogen injected for cooling purposes is evaporated before disturbing aerodynamic testing. Application received by Commissioner of Customs: May 14, 1982.

Docket No.: 82-00218. Applicant: U.S. Geological Survey, Western Region, 345 Middlefield Road, MS 85, Menlo Park, CA 94025. Article: Mass Spectrometer, System, MAT 260. Manufacturer: Finnigan-MAT, West Germany. Intended use of article: The article is intended to be used for experiments conducted in geochronology using the Rb-Sr, Sm-Nd, and U-Th-Pb dating methods to determine the ages of rock and minerals and in isotope tracer studies using variations in $^{87}\text{Sr}/^{86}\text{Sr}$ and $^{143}\text{Nd}/^{144}\text{Nd}$ ratios to study geochemical processes. The objectives of various research projects are to support programs of the U.S. Geological Survey in Mineral Resource Appraisal, Geothermal Energy, Volcano Hazards studies, Wilderness studies, and Geologic Framework and Synthesis of the United States. Educational uses will involve training of visiting graduate and post-graduate students and scientists from foreign countries in geologic research using isotopic techniques. Application received by Commissioner of Customs: June 2, 1982.

Docket No.: 82-00220. Applicant: St. Jude Children's Research Hospital, 332 North Lauderdale, Memphis, TN 38101. Article: Nanosecond Fluorometer System. Manufacturer: Photochemical Research Associates, Inc., Canada. Intended use of article: The article is intended to be used to determine the topographical localizations of heme prosthetic groups in hemoproteins such

as cytochrome c, cytochrome c oxidase and hemoglobin. This will be accomplished by fluorescence resonance energy transfer techniques in the rapid and static limits. Application received by Commissioner of Customs: May 24, 1982.

Docket No.: 82-00221. Applicant: Bryn Mawr College, Department of Biology, Bryn Mawr, PA 19010. Article: Electron Microscope, Model JEM 100S. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article will be used for standard transmission microscopy, mainly of ultra-thin sections. Immunocytochemical and radioautographic techniques will be applied to studies of polypeptide neurotransmitters in pulmonary arteries, to the appearance and function of cell surface molecules during synaptogenesis, and to cellular correlates of tumorigenesis. Students majoring in Biology, as well as predoctoral students, will be taught electron-Microscopy as part of their training in developmental, cell and molecular biology. Application received by Commissioner of Customs: May 24, 1982.

Docket No.: 82-00222. Applicant: Stanford University, 851 Welch Road, Palo Alto, CA 94304. Article: Model WTM 5000 Transit case containing Whitlock Tritium Meter, charging unit, lens cap, seals, aerosol. Manufacturer: Hughes Whitlock, Ltd., United Kingdom. Intended use of article: The article will be used to conduct assays for radioactive contamination resulting from the use of radioactive biochemicals in research and teaching laboratories throughout the University. The radioactivity will be primarily H-3, C-14, P-32, S-35, I-125 used in biological and medical research. The presence of such contamination may result in erroneous assays and therefore in experimental error, as well as pose a risk to the health of the researcher and student. Application received by Commissioner of Customs: May 24, 1982.

Docket No.: 82-00223. Applicant: Los Alamos National Laboratory, P.O. Box 1663, Los Alamos, NM 87545. Article: Excimer Laser-Pumped Dye Laser. Manufacturer: Lambda Physik GmbH & Co., KG, West Germany. Intended use of article: The article is intended to be used to study the spectroscopic and photochemical properties of plutonium compounds at the Plutonium Facility of the Los Alamos National Laboratory. Application received by Commissioner of Customs: May 24, 1982.

Docket No.: 82-00224. Applicant:

University of Arizona, Department of Pharmacology, Health Sciences Center, Tucson, AZ 85724. Article: PE-2 Glass Microelectrode Puller. Manufacturer: Narashige, Japan. Intended use of article: The article is intended to be used to heat and pull out fine glass tubes into a narrow tip (0.2 μm). The tube is filled with an electrolyte which then allows the measurement of electrical events through the microelectrode. The electrical activity from single nerve cells in brain can be recorded with such microelectrodes. When several tubes are fused together and then pulled out using the puller, a multibarreled microelectrode results. This allows the administration of drugs from ionized solutions contained in the individual barrels to be made by microelectrophoresis. This provides a means of giving drugs only into the immediate environment of a single nerve cell while recording its electrical activity. This technique is used to study communication between nerve cells in mammalian brain and to elucidate the mechanism of action of drugs that affect the central nervous system. Application received by Commissioner of Customs: May 24, 1982.

Docket No.: 82-00225. Applicant: University of Maryland Hospital, Division of Gastroenterology, Room N3W148 22 S. Greene Street, Baltimore, MD 21201. Article: MBB-AT Medilas 2 YAG Coagulation Laser. Manufacturer: M.B.-A.T. G.M.B.H., West Germany. Intended use of article: The article is intended to be used to control upper gastrointestinal hemorrhage, one of the most common gastrointestinal emergencies. The use of the article will be incorporated in the training of the two year Gastrointestinal Fellowship Program with the Division of Gastroenterology. The objectives in teaching the use of the YAG laser for upper GI bleeding will be to determine when it should be used, to develop safe and proper techniques and to determine the effectiveness of its use. Application received by Commissioner of Customs: May 24, 1982.

Docket No.: 82-00226. Applicant: Cuyahoga County Hospitals, Cleveland Metropolitan General Hospital, 3395 Scranton Rd., Cleveland, Ohio 44109. Article: Electron Microscope, Model EM 10-CR. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used to provide diagnostic services to several area hospitals. Application received by Commissioner of Customs: May 24, 1982.

Docket No.: 82-00227. Applicant: The

City College of the City University of New York, Department of Physics, Convent Avenue & 138th Street, New York, N.Y. 10031. Article: RF Hydrogen Source and Electronics. Manufacturer: University of Stirling, United Kingdom. Intended use of article: The article is intended to be used in the investigation of spin-dependent effects in low-energy collisions of electrons with atomic hydrogen. The rf hydrogen source and associated electronics are crucial to the production of the target beam and to the observation of the scattered particles. This experiment will serve as the Ph.D. thesis project of Mr. F.C. Tang, a graduate student and as future thesis projects of additional graduate students. Application received by Commissioner of Customs: May 24, 1982.

Docket No.: 82-00228. Applicant: University of California at Los Angeles, Electrical Engineering Department, 7702 Boelter Hall, Los Angeles, CA 90024. Article: Carcinotron Electronic Tube. Manufacturer: Thomson-CSF, Groupement Tube Electroniques, France. Intended use of article: The article is intended to be used in the construction of a six-channel, multi-channel far-infrared Thomson scattering system that will be used to study low frequency microturbulence in the TEXT Device. Application received by Commissioner of Customs: May 24, 1982.

Docket No.: 82-00231. Applicant: The Johns Hopkins University, School of Hygiene and Public Health, Room 2001, Charles and 34th Streets, Baltimore, MD 21218. Article: Self Shielded Cyclotron. Manufacturer: Instrument AB Scanditronix, Sweden. Intended use of article: The article is intended to be used in conducting the research project "Program for Study of Neuroreceptor Binding in Man" which is directed toward the *in vivo* localization and quantification of dopamine and opiate receptors in animals, normal humans and patients with selected neurological and psychiatric diseases. The studies make use of ¹¹C- and ¹⁸F-labeled receptor binding radiotracers and position emission tomography (PET). The ultimate goal is to demonstrate correlations between regional distribution of neuroreceptors in the brain and selected disease states (e.g., Huntington's disease, Parkinson's disease, schizophrenia). Such information will provide fundamental new knowledge about the disease and may eventually provide a basis for their early diagnosis. Application received by

Commissioner of Customs: June 2, 1982. (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. 82-18377 Filed 7-6-82; 8:45 am]

BILLING CODE 3510-25-M

[Order No. 41-4; D.O.O. Reference 10-3, 40-1]

Organization and Function Order; Assistant Secretary for Trade Administration

Effective date: May 18, 1982.

Part I. Effect On Other Orders

This order supersedes ITA Organization and Function Order 41-4 of August 26, 1980, as amended (45 FR 65003, 46 FR 31911, 46 FR 48736, 46 FR 51003, 46 FR 62129).

Part II. Purpose, Scope, and Principal Organization

Section 1. Purpose

This order delegates authorities from the Assistant Secretary for Trade Administration ("the Assistant Secretary") to the Deputy Assistant Secretaries for Import Administration, Export Administration, and Export Enforcement and prescribes the internal organization and assignment of functions for entities under the direction of the Assistant Secretary.

Section 2. Organization and Line of Authority

The internal organization structure and line of authority for functions prescribed in this order is depicted in the attached chart.¹ The Assistant Secretary for Trade Administration reports and is responsible to the Under Secretary for International Trade.

Section 3. Principal Functions

.01 The Assistant Secretary for Trade Administration assists and advises the Secretary and the Under Secretary on the development of policies pertaining to, and in the implementation of, Departmental programs dealing with import and export administration issues, including industrial mobilization and resource administration and foreign boycotts; exercises the functions of the "Secretary" and the "administering authority" of U.S. antidumping and countervailing duty laws within the meaning of Section 303 and Title VII of the Tariff Act of 1930, as amended; serves as alternate to the Secretary and

¹ Filed as part of the original document.

Under Secretary in representing the Department on the Trade Policy Committee and other interagency committees which deal with matters pertaining to import and export administration issues; represents the Department in all domestic and international forums which address such issues; chairs the Committee of Alternates of the Foreign-Trade Zones Board; chairs the Advisory Committee on Export Policy; and decides appeals arising under the Export Administration Act of 1979, as amended, the Defense Production Act of 1950, as amended, Section 402 of the Federal Property and Administrative Services Act of 1949, as amended, and Headnote 6(d) of Schedule 7, part 2, subpart E of the Tariff Schedules of the United States.

.02 The Office of the Assistant Secretary includes a *Hearing Commissioner* who conducts hearings, issues initial decisions, and performs other duties with respect to proceedings concerning the imposition of administrative sanctions for violations of those Export Administration Regulations concerning national security, foreign policy, and short supply; as requested by the Department of State, serves as presiding official in administrative proceedings related to the International Traffic in Arms Regulations issued under the Arms Export Control Act; and, as requested, provides administrative support to the Assistant Secretary concerning appeals, except those appeals from initial decisions made by the Hearing Commissioner.

.03 The Assistant Secretary directs the activities of:

- a. The Deputy Assistant Secretary for Import Administration;
- b. The Deputy Assistant Secretary for Export Administration; and
- c. The Deputy Assistant Secretary for Export Enforcement.

Part III. Authorities of the Assistant Secretary

Section 1. Delegation of Authority

Pursuant to the authority delegated to the Assistant Secretary for Trade Administration by the Under Secretary for International Trade, and subject to such policies and directives as the Assistant Secretary may prescribe, the following authorities are hereby delegated to the Deputy Assistant Secretaries for Import Administration, Export Administration, and Export Enforcement as set forth below. Each Deputy Assistant Secretary may redelegate his or her authorities to any

employee of the International Trade Administration or to any other appropriate officer or agency of the Government, subject to such conditions in the exercise of such authorities as he or she may prescribe. Notwithstanding any provision of this delegation of authority, the Assistant Secretary may at any time exercise any authority delegated in this part.

.01 To the Deputy Assistant Secretaries for Import Administration, Export Administration, and Export Enforcement the authorities of the Assistant Secretary with respect to the Act of February 14, 1903, as amended (15 U.S.C. 1512 *et seq.*; 15 U.S.C. 171 *et seq.*) to foster, promote, and develop the foreign and domestic commerce of the United States, as are necessary to the performance of each Deputy Assistant Secretary's functions.

.02 To the Deputy Assistant Secretary for Import Administration the authorities of the Assistant Secretary with respect to antidumping and countervailing duties, as follows:

a. Section 303 and Title VII (including Section 771(1)) of the Tariff Act of 1930 (19 U.S.C. 1303, 1671 *et seq.*) in accordance with section 5(a)(1)(C) of Reorganization Plan No. 3 of 1979 (44 FR 69273, December 3, 1979), relating to antidumping and countervailing duties, except the authority to make final determination as "Secretary" or "administering authority;"

b. Sections 514, 515, and 516 of the Tariff Act of 1930 (19 U.S.C. 1514, 1515, and 1516) and section 5(a)(1)(D) of Reorganization Plan No. 3 of 1979, insofar as they relate to any protest, petition, or notice of desire to contest described in section 1002(b)(1) of the Trade Agreements Act of 1979;

c. Sections 318, 502 (a) and (b), and 617 of the Tariff Act of 1930 (19 U.S.C. 1318, 1502 (a) and (b), and 1617) and sections 5(a)(1)(E), 5(a)(1)(F), and 5(a)(1)(G), respectively, of Reorganization Plan No. 3 of 1979, insofar as they relate to antidumping and countervailing duty investigations and the assessment of duties; and

d. Section 2632(e) of Title 28 of the United States Code and section 5(a)(1)(H) of Reorganization Plan No. 3 of 1979, insofar as they relate to actions taken by the Secretary reviewable under section 516A of the Tariff Act of 1930 (19 U.S.C. 1516a).

.03 To the Deputy Assistant Secretary for Import Administration the authorities of the Assistant Secretary with respect to statutory import programs as follows, except that authority to decide appeals shall be reserved to the Assistant Secretary:

a. Section 402 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 512), relating to the importation of foreign excess property;

b. The Educational, Scientific and Cultural Materials Importation Act of 1966 (19 U.S.C. 1202); and

c. Headnote 6(d) of Schedule 7, part 2, subpart E of the Tariff Schedules of the United States (19 U.S.C. 1202), added by Pub. L. 89-805, pertaining to the allocation of quotas for duty-free importation into the customs territory of the United States of watches and watch movements.

.04 To the Deputy Assistant Secretary for Import Administration the authorities of the Assistant Secretary under the Foreign-Trade Zones Act of 1934, as amended (19 U.S.C. 81a *et seq.*), as it relates to the Secretary's authority to appoint an Executive Secretary of the Foreign-Trade Zones Board (see 15 CFR Part 400).

.05 To the Deputy Assistant Secretary for Export Administration the authorities of the Assistant Secretary with respect to industrial mobilization and resource administration, as follows, except that authority to decide appeals shall be reserved to the Assistant Secretary:

a. The Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 *et seq.*) conferred on the Secretary under: (1) Executive Order 10480 of August 14, 1953, as amended, except authority with respect to transportation facilities and the creation of new agencies within the Department of Commerce; and (2) Executive Order 11912 of April 13, 1976;

b. Executive Order 11490 of October 28, 1969, as amended, as it relates to the development, as required for the programs of the Director, Federal Emergency Management Agency, of national emergency plans and preparedness programs covering production and distribution of materials, use of production facilities, control of construction materials, and the furnishing of basic industrial services;

c. The National Security Act of 1947, as amended (50 U.S.C. 401 *et seq.*) and Executive Order 11490 of October 28, 1969, as amended, relating to mobilization preparedness;

d. Executive Order 11179 of September 22, 1964, as amended, with respect to the establishment and training of the industrial production component of the National Defense Executive Reserve;

e. Executive Order 10421 of December 31, 1952, providing for the physical security of facilities important to the national defense;

f. Section 1441 of the Public Health Service Act, as amended by the Safe Drinking Water Act (42 U.S.C. 300j) conferred on the Secretary under Executive order 11879 of September 17, 1975, involving materials allocation of chemicals or substances necessary for treatment of water.

g. Section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862) and section 5(a)(1)(B) of Reorganization Plan No. 3 of 1979, relating to the conduct of national security investigations on imports;

h. The Export Administration Act of 1979, as amended (50 U.S.C. App. 2401 *et seq.*) and the authority under that Act conferred on the Secretary under Executive Order 12214 of May 2, 1980, as it relates to short supply commodity controls, except that the following power, authority, and discretion shall be reserved to the Secretary:

1. The determination required by Section 12(c) with respect to the publication or disclosure of confidential information obtained under the Act, and

2. The submission of reports to the Congress required by Section 14 of the Act;

i. Executive Order 12002 of July 7, 1977, relating to short supply commodity control matters before the Export Administration Review Board and;

j. Sections 103 and 251 of the Energy Policy and Conservation Act (42 U.S.C. 6201 *et seq.*) conferred on the Secretary under Executive Order 11912 of April 13, 1976, relating to: (1) Export restrictions of coal, petroleum products, natural gas, or petrochemical feedstocks and supplies of material or equipment necessary to maintain or further exploration, production, refining, or transportation of energy supplies or for the construction or maintenance of energy facilities within the United States; and (2) rules to authorize the export of petroleum and petroleum products as may be necessary for implementation of the obligations of the United States under the International Energy Program.

.06 To the Deputy Assistant Secretaries for Export Administration and Export Enforcement the authorities of the Assistant Secretary with respect to regulating exports as follows, except that authority to decide appeals shall be reserved to the Assistant Secretary:

a. The Export Administration Act of 1979, as amended (50 U.S.C. App. 2401 *et seq.*) and the authority under that Act conferred on the Secretary under Executive Order 12214 of May 2, 1980, except as it relates to foreign boycotts and short supply commodity controls and except that the following power,

authority, and discretion shall be reserved to the Secretary:

1. The determination required by Section 12(c) with respect to the publication or disclosure of confidential information obtained under the Act, and

2. The submission of reports to the Congress required by Section 14 of the Act;

b. Executive Order 12002 of July 7, 1977, except as it relates to short supply commodity control matters before the Export Administration Review Board;

c. Executive Order 11958 of January 18, 1977, as it relates to the carrying out, on behalf of the Department of State, of functions under Section 38(e) of the Arms Export Control Act (22 U.S.C. 2751 *et seq.*), as agreed to by the Departments of Commerce and State;

d. Executive Order 11322 of January 5, 1967, and Executive Order 11419 of July 29, 1968, relating to the Rhodesian sanctions with respect to transactions occurring prior to December 16, 1979 (Executive Order 12183 of December 16, 1979, revoked the provisions of Executive Orders 11322 and 11419 with respect to transactions occurring after December 16, 1979);

e. The Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3201 *et seq.*) and the authority under that Act conferred on the Secretary under Executive Order 12058 of May 11, 1978, pertaining to nuclear exports and related matters;

f. Executive Order 11490 of October 28, 1969, as amended, as it relates to the development, as required for the programs of the Director, Federal Emergency Management Agency, of national emergency plans and preparedness programs covering regulation and control of exports and imports;

g. Executive Order 11179 of September 22, 1964, as amended, with respect to the establishment and training of the exports and imports component of the National Defense Executive Reserve; and

h. The Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 *et seq.*) conferred on the Secretary under Executive Order 10480 of August 14, 1953, as amended, as it relates to restricting surface transportation and discharge of commodities or prohibiting movement of American carriers to designated destinations.

.07 To the Deputy Assistant Secretary for Export Enforcement the authorities of the Assistant Secretary with respect to foreign boycotts, as follows, except that authority to decide appeals shall be reserved to the Assistant Secretary:

a. The Export Administration Act of 1979, as amended (50 U.S.C. App. 2401 *et*

seq.) and the authority under that Act conferred on the Secretary under Executive Order 12214 of May 2, 1980, as it relates to foreign boycotts, except that the following power, authority, and discretion shall be reserved to the Secretary:

1. The determination required by Section 12(c) with respect to the publication or disclosure of confidential information obtained under the Act, and

2. The submission of reports to the Congress required by Section 14 of the Act.

Section 2. Investigative and Subpoena Powers

.01 The above delegations and subsequent redelegations of these authorities in Parts V and VI to the Director, Office of Export Compliance, the Director, Office of Antiboycott Compliance, and the Director, Office of Industrial Resource Administration, specifically include the authority:

a. To sign and issue subpoenas requiring any person to appear and testify or to appear and produce books, records and other writings, or both, to any designated place, in connection with any investigation or proceeding necessary or appropriate to the enforcement of the delegated authority;

b. To require reports and the keeping of records by any person to the extent necessary or appropriate to the enforcement of the delegated authority, and to require any person to permit the inspection of books, records, and other writings or property; and

c. To take any other action necessary or appropriate to achieve effective enforcement of the delegated authority in connection with actual or potential violations.

.02 In addition to the above delegations, the following Department of Commerce employees, in connection with any investigation or proceeding necessary or appropriate to the enforcement of the delegated authority, are each authorized to make investigations; to require any person to permit the inspection of books, records, and other writings, premises, or property; to sign and issue subpoenas requiring any person to appear and testify or appear and produce books, records and other writings, or both, to any designated place; to administer oaths and affirmations for the purpose of procuring or receiving from any person sworn statements or other sworn testimony; and to take the sworn testimony of any person.

a. Any compliance officer or special agent employed in the Office of Export Compliance;

b. Director, Enforcement Division, Office of Antiboycott Compliance;

c. Any compliance officer or special agent employed in the Office of Antiboycott Compliance;

d. Director, Priorities and Allocations Division, Office of Industrial Resource Administration; and

e. Any compliance officer or special agent employed in the Priorities and Allocations Division, Office of Industrial Resource Administration.

.03 In addition to the above delegations, any Director of a District Office of the U.S. Commercial Service, upon request by the Office of Export Compliance and in connection with any proceeding necessary or appropriate to the enforcement of the delegated authority, is authorized, with the power of successive redelegation, to require any person to permit the inspection of books, records, and other writings, premises, or property; to serve subpoenas requiring any person to appear and testify or appear and produce books, records and other writings, or both, to any designated place; to administer oaths and affirmations for the purpose of procuring or receiving from any person sworn statements or other sworn testimony; and to take the sworn testimony of any person.

.04 In any proceeding relating to the denial of export privileges or the imposition of civil penalties under the Export Administration Act of 1979, as amended, the Administrative Law Judge or Hearing Commissioner is authorized to administer oaths and affirmations, and to sign and issue subpoenas requiring any person to appear and testify or to appear and produce books, records and other writings, or both.

Part IV. Deputy Assistant Secretary for Import Administration

Section 1. Redelegation of Authority

Pursuant to the authority delegated to the Deputy Assistant Secretary for Import Administration (DAS) under Part III, the following authorities are redelegated as set forth below. Notwithstanding any provision of this redelegation of authority, the Deputy Assistant Secretary may at any time exercise any authority redelegated in this part.

.01 The authorities of the DAS with respect to antidumping and countervailing duties, as delegated in Section 1.02 of Part III, are hereby redelegated as follows:

a. Any employee of the International Trade Administration stationed overseas, who is specifically designated

as a Commerce Representative, is authorized to collect and verify data required for the investigation and enforcement of antidumping and countervailing duties;

b. The Director, Office of Investigations, and the Director, Office of Compliance, are each authorized to collect and verify data required for the investigation and enforcement of antidumping and countervailing duties, and may redelegate any power or function conferred by this delegation.

.02 The authorities of the DAS with respect to statutory import programs, as delegated in Section 1.03 of Part III, are hereby redelegated to the Deputy to the Deputy Assistant Secretary for Management and to the Director, Statutory Import Programs Staff, with the power of successive redelegation, except that rulemaking authority shall be preserved to the Deputy to the DAS for Management.

.03 The authority of the DAS with respect to appointing an Executive Secretary of the Foreign-Trade Zones Board, as delegated in Section 1.04 of Part III, is hereby redelegated to the Deputy to the Deputy Assistant Secretary for Management.

Section 2. Office of the Deputy Assistant Secretary

.01 The Deputy Assistant Secretary for Import Administration coordinates the formulation and implementation of U.S. antidumping and countervailing duty (AD/CVD) policies and programs, ensuring that actions taken are consistent with overall U.S. trade policy; coordinates the development of Departmental positions with regard to specific AD/CVD cases and general AD/CVD issues which are to be discussed in domestic and international forums, such as meetings of the interagency Trade Policy Committee and the GATT Antidumping and Countervailing Duty Code Committees; ensures the proper administration of antidumping and countervailing duty laws including the expeditious conduct of investigations, the administration of AD/CVD orders, the collection of duties under those orders, and the administration of AD/CVD suspension agreements; assists the Office of General Counsel in its responsibilities for the defense of litigation challenging actions under the AD/CVD laws; in consultation with the U.S. Trade Representative, conducts negotiations with foreign manufacturers or governments to suspend antidumping or countervailing duty investigations; and administers Departmental programs relating to foreign-trade zones, allocation of watch quotas, duty-free

entry of scientific instruments, and importation of foreign excess property.

.02 The Deputy to the Deputy Assistant Secretary for Management assists the Deputy Assistant Secretary in planning and directing the execution of policies and programs for all management functions under the direction of the DAS and assumes the duties of the DAS with respect to management functions during the latter's absence; directs the activities of the Foreign-Trade Zones Staff, the Statutory Import Programs Staff, and the overseas *Commerce Representatives*, who participate in the collection and on-site verification of data required for the investigation and enforcement of antidumping and countervailing duties; and serves as the support arm for entities under the direction of the DAS and as such, is responsible for allocation of space, equipment, and budgetary resources, utilization of automated data processing capabilities, and operation of the library, central files, and public reading room.

.03 The Deputy to the Deputy Assistant Secretary for Policy assists the Deputy Assistant Secretary in planning and directing the policy functions under the direction of the DAS and assumes the duties of the DAS with respect to policy functions during the latter's absence; represents the DAS in interagency, other domestic, and international forums in which specific AD/CVD cases or general AD/CVD policies are discussed; coordinates the preparation of testimony and other information required by the DAS or the Assistant Secretary in presentations on AD/CVD matters before Congressional committees or other bodies; and provides policy guidance and direction to program entities under direction of the DAS.

.04 The office of the DAS includes the *Foreign-Trade Zones Staff* which provides administrative support to the Secretary of Commerce as Chair of the Foreign-Trade Zones Board. The Director, Foreign-Trade Zones Staff, serves as Executive Secretary of the Board. Support includes processing applications for new and expanded zones, giving administrative clearances pursuant to the Board's regulations, reporting on the economic impact of zone activities, maintaining Board records and files, providing technical advice and assistance on zone matters, conducting public hearings on zone proposals, working with State and community development officials on zone projects, providing liaison with the U.S. Customs Service, and publishing the Board's annual report to the Congress.

.05 The office of the DAS includes the *Statutory Import Programs Staff* which administers the program governing duty-free importation of scientific instruments or apparatus for educational or research institutions under UNESCO's Florence Agreement; provides liaison with U.S. and foreign government implementation of the Florence Agreement; represents the Department at meetings and conferences on the Florence Agreement; administers the program governing importation of foreign excess property into the customs territory of the United States; administers the Commerce responsibilities pertaining to the allocation of quotas for duty-free importation into the customs territory of the United States of watches and watch movements by producers located in the Virgin Islands, Guam, and American Samoa; provides liaison with territorial governments on matters affecting watch assembly industries; makes quota allocations and issues licenses to territorial watch assembly firms; develops measures with the U.S. Customs Service for monitoring imports of watches and watch movements under quota; and maintains official watch quota records for Commerce and Interior. The Director, Statutory Import Programs Staff, serves as Foreign Excess Property Officer.

.06 The DAS directs the following offices:

- a. Office of Investigations;
- b. Office of Compliance; and
- c. Office of Policy.

Section 3. Office of Investigations

.01 The *Office of Investigations* includes the *Director* who plans and directs the execution of policies and programs of the Office; serves as the primary contact with the U.S. International Trade Commission on matters pertaining to the investigation of antidumping and countervailing duty cases; and directs the following organizational components:

- a. Far East Division;
- b. Americas, Africa and Oceania Division; and
- c. Europe, Mid-East and Controlled Economies Division.

.02 Each geographic division, for the area under its jurisdiction, analyzes petitions submitted by manufacturers, producers, trade associations, and unions under the antidumping and countervailing duty laws; initiates investigations, including the determination of product definitions and the drafting and presentation of questionnaires; analyzes responses to

questionnaires and participate in on-site verification of the accuracy and completeness of responses; arranges public hearings involving interested parties when requested in the course of investigations; prepares recommendations regarding the disposition of individual AD/CVD cases; calculates initial deposits of estimated dumping duty amounts; and prepares notices for publication in the *Federal Register* explaining determinations reached.

Section 4. Office of Compliance

.01 The *Office of Compliance* includes the *Director* who plans and directs the execution of policies and programs of the Office; serves as the primary contact with the U.S. Customs Service on matters pertaining to compliance with antidumping and countervailing duty laws; and directs the following organizational components:

- a. Countervailing Order Compliance Division;
- b. Antidumping Order Compliance Division; and
- c. Agreements Compliance Division.

.02 Each division, for the orders or agreements under its jurisdiction, conducts the annual review required under the antidumping and countervailing duty laws; drafts and submits questionnaires to companies and foreign governments as necessary; analyzes responses to questionnaires and participates in on-site verification of the accuracy and completeness of responses; arranges public hearings upon request for parties interested in the proposed results of annual reviews; prepares recommendations concerning the disposition of each review including, where warranted, recommendations for termination of orders or agreements; prepares instructions to the U.S. Customs Service regarding the collection of duties on outstanding orders; and prepares notices for publication in the *Federal Register* explaining results of reviews.

Section 5. Office of Policy

The *Office of Policy* includes the *Director* who plans and directs the execution of policies and programs of the Office; serves as the principal staff to the DAS in the formulation and implementation of policies governing the Department's administration of the antidumping and countervailing duty statutes, ensuring that actions taken are consistent with overall U.S. trade policy; in consultation with the Office of General Counsel, ensures the uniform application of statutory and regulatory provisions of AD/CVD laws on a case-by-case basis; provides policy guidance

concerning the interpretation and application of AD/CVD laws and regulations; provides policy guidance and oversight on cost accounting issues related to cost of production analyses, allocation of domestic subsidies, and accounting verification procedures; assists the Deputy to the DAS for Policy to conduct negotiations regarding possible suspension of AD/CVD investigations; prepares position papers and case decision summaries for meetings of the GATT Antidumping and Countervailing Duty Code Committees; and acts for the DAS and, as appropriate, the Assistant Secretary for Trade Administration, in representing the views of the Department in domestic, interagency, and international forums.

Part V. Deputy Assistant Secretary for Export Administration

Section 1. Redlegation of Authority

Pursuant to the authority delegated to the Deputy Assistant Secretary for Export Administration (DAS) under Part III, the following authorities are redelegated as set forth below. Notwithstanding any provision of this redelegation of authority, the Deputy Assistant Secretary may at any time exercise any authority redelegated in this part.

.01 The authorities of the DAS with respect to industrial mobilization and resource administration, as delegated in Section 1.05 of Part III, are hereby redelegated to the Director, Office of Industrial Resource Administration, with the power of successive redelegation.

.02 The authorities of the DAS in Section 1.06 of Part III, as they relate to administering exports for purposes of national security and foreign policy, are hereby redelegated to the Director, Office of Export Administration, with the power of successive redelegation.

Section 2. Office of the Deputy Assistant Secretary

.01 The *Deputy Assistant Secretary for Export Administration* carries out the Department's responsibilities for regulating exports of U.S. goods and technology for purposes of national security, foreign policy, and short supply; enforces, in consultation with the Office of General Counsel and the Deputy Assistant Secretary for Export Enforcement, those Export Administration Regulations relating to short supply commodity controls; chairs the Subcommittee of the Advisory Committee on Export Policy (Sub-ACEP); coordinates and conducts the Department's activities regarding

industrial mobilization for national defense, including priorities and allocations, strategic industrial resources, and emergency preparedness programs; and investigates the effects on national security of imports, consults with other Federal agencies, and recommends remedial action where imports threaten to impair the national security.

.02 The *Deputy to the Deputy Assistant Secretary for Export Administration* assists the Deputy Assistant Secretary in planning and directing the execution of policies and programs for functions under the direction of the DAS and assumes the duties of the DAS during the latter's absence.

.03 The DAS directs the following offices:

- a. Office of Export Administration; and
- b. Office of Industrial Resource Administration.

Section 3 Office of Export Administration

.01 The *Office of Export Administration* includes the *Director* who plans and directs the execution of policies and programs of the Office and administers the programs required to carry out the Department's responsibilities to license goods and technology for export under the national security and foreign policy controls established in the Export Administration Act of 1979, as amended. The Office of the Director also includes: the *Operating Committee Chair* who chairs the Operating Committee and serves as Executive Secretary of the Export Administration Review Board, the Advisory Committee on Export Policy and the Subcommittee of the Advisory Committee on Export Policy (Sub-ACEP); and the *Exporters' Service Staff* which conducts public contact activities including responding to inquiries from exporters. The Office of the Director provides secretariat and administrative support services to the Export Administration Technical Advisory Committees and the Subcommittee on Export Administration of the President's Export Council. The Director directs the following organizational components:

.02 The *Policy Planning Division* develops overall policies for the licensing of exports. The division performs its assigned functions through the following subordinate elements:

- a. The *East-West Trade Branch* analyzes license applications for exports destined to the Communist nations; furnishes policy and procedural guidance to the licensing divisions in

processing these cases; reviews documentation prepared by licensing divisions for presentation to the Operating Committee; and coordinates disposition of the applications within established policy guidelines;

b. *The Strategic Rating Branch* serves as the Department's staff level liaison on matters relating to international cooperation on export controls for strategic purposes (COCOM); represents the Department on certain committees and working groups of the Department of State's Economic Defense Advisory Committee; and assures that commodities retained under U.S. unilateral control are commensurate with national security interest;

c. *The Nuclear Policy Branch* administers export controls related to nuclear nonproliferation in coordination with other agencies; represents the Department on the interagency Subgroup on Nuclear Export Controls; and formulates the Department's position on exports regulated by the Nuclear Regulatory Commission and the Department of Energy; and

d. *The Foreign Policy Branch* formulates policies for licensing exports controlled for foreign policy purposes; performs and coordinates the analysis of statutory criteria for foreign policy controls; and consults with other agencies on special foreign policy programs and embargoes.

.03 *The Operations Division* serves as the support arm for the Office of Export Administration. The division performs its assigned functions through the following subordinate elements:

a. *The Processing Branch* processes license applications; issues U.S. import certificates; carries out emergency readiness and planning functions for the Office of Export Administration; and operates the automated license accounting and review system to track applications and produce statistical reports; and

b. *The Management Services Branch* develops internal operating procedures; prepares analytical and statistical reports on export control activities; develops and publishes Export Administration Regulations, supplemental bulletins, and information brochures for the exporting community; and prepares the Secretary's annual report on export administration to the Congress.

.04 *The Scientific and Electronic Equipment Division* and the *Capital Goods and Production Materials Division*, for the products and related technical data under their jurisdiction, administer controls over exports in accordance with the Export Administration Regulations and the

policies and procedures established by the Office of Export Administration; determine and take appropriate action on export license applications; conduct technical analyses of products and technical data, including potential end-use applications, to determine the type and extent of controls to be applied; and render assistance to industry and other Government agencies on export administration problems within their jurisdiction. The Scientific and Electronic Equipment Division performs its assigned functions through the following subordinate elements:

a. Microprocessor and Telecommunications Branch;
b. Computer Systems Branch; and
c. Electronic Equipment and Instrumentation Branch.

Section 4. Office of Industrial Resource Administration

.01 *The Office of Industrial Resource Administration* includes the *Director* who plans and directs the execution of policies and programs of the Office; serves as U.S. Representative to the NATO Industrial Planning Committee and co-chairs the U.S./Canadian Emergency Planning Committee for Industrial Production and Materials; and directs the following organizational components:

.02 *The Priorities and Allocations Division* supports current national defense requirements, the program to maximize domestic energy supplies, and other high national priority programs as may be authorized, by administering the Defense Materials System, including management of the set-aside program of controlled materials, and the Defense Priorities System under Title I of the Defense Production Act of 1950, as amended, including the findings of scarcity and necessity for exercising these authorities required by Section 101(c)(3) of the Act; administers materials allocation of chemicals or substances necessary for the treatment of water; conducts training seminars for Government and industry executives, contractors, and other company officials in the administrative procedures of DMS and DPS and the special priorities system as they relate both to defense and energy requirements; provides for assisting defense contractors adversely affected by natural disasters; in consultation with the Office of General Counsel, enforces delegated authority under the Defense Production Act of 1950, as amended; and, in consultation with the Office of General Counsel and the Office of Export Compliance, enforces the Export Administration Regulations relating to short supply commodity controls.

.03 *The Resource Assessment Division* administers short supply commodity controls; monitors exports and contracts for exports when commodities are in present or potential short supply or likely to have an inflationary impact; coordinates the preparation of periodic reports of monitoring results; coordinates within the Department short supply activities provided for under the Export Administration Act of 1979, as amended; Provides advice to the Federal Emergency Management Agency (FEMA) in the management of the National Defense Stockpile Program; represents the Department on interdepartmental stockpile committees; identifies industrial facilities of exceptional importance to the national security, mobilization readiness, and postattack survival and recovery; supervises the preparation of analyses of critically important industrial products and services; conducts feasibility studies to determine industrial capabilities to meet national emergencies; prepares studies and analyses on critical materials and industries as required to support NATO and U.S./Canadian emergency planning committees; investigates and prepares reports on the impact of imports on national security; and supports the Industry Evaluation Board. The Director of the division chairs the Industry Evaluation Board.

.04 *The Emergency Preparedness Division* develops and tests plans and procedures for response to a nuclear attack or other national emergency, so that the Office of Industrial Resource Administration, with support from the Department's field installations, can ensure continuity of its essential functions, including provisions for an Emergency Production Agency capability at selected alternate sites throughout the U.S.; prepares and maintains emergency measures for regulating industrial production and distribution during emergency situations, including developing emergency set-aside criteria and procedures and related emergency regulations and delegations for steel, copper, aluminum, and nickel alloys; recruits, assigns, and provides annual training programs based on current national emergency response concepts and international conditions for cadres of National Defense Executive Reservists from U.S. industry to assume major responsibilities in a national emergency; maintains Industrial Mobilization Data Centers at selected national and regional relocation sites; plans and coordinates the International

Trade Administration's emergency readiness functions; provides for the physical security of facilities important to the national defense and the essential civilian economy; identifies industrial mobilization machine tool requirements and machine tool manufacturers for expediting procurement in an emergency under the Machine Tool Trigger Order Program; provides such other assistance as necessary to support Federal, State, and local emergency response plans and interagency coordination for such plans; and provides emergency planning support to the Director, Office of Industrial Resource Administration for participation in the NATO Industrial Planning Committee and the U.S./Canadian Emergency Planning Committee for Industrial Production and Materials.

Part VI. Deputy Assistant Secretary for Export Enforcement

Section 1. Redefinition of Authority

Pursuant to the authority delegated to the Deputy Assistant Secretary for Export Enforcement (DAS) under Part III, the following authorities are redelegated as set forth below. Notwithstanding any provision of this redelegation of authority, the Deputy Assistant Secretary may at any time exercise any authority redelegated in this part.

.01 The authorities of the DAS in Section 1.06 of Part III, as they relate to enforcement of the Export Administration Regulations for purposes of national security and foreign policy, are hereby redelegated to the Director, Office of Export Compliance, with the power of successive redelegation.

.02 The authorities of the DAS with respect to foreign boycotts, as delegated in Section 1.07 of Part III, are hereby redelegated to the Director, Office of Antiboycott Compliance, with the power of successive redelegation.

Section 2. Office of the Deputy Assistant Secretary

.01 The Deputy Assistant Secretary for Export Enforcement carries out, in consultation with the Office of General Counsel, a compliance program to enforce the export Administration Regulations relating to foreign boycotts against countries friendly to the United States and to exports of U.S. goods and technology for purposes of national security and foreign policy; administers programs concerning foreign boycotts against countries friendly to the United States; and develops and coordinates measures for opposing such boycotts.

.02 The DAS directs the following offices:

- a. Office of Export Compliance; and
- b. Office of Antiboycott Compliance.

Section 3. Office of Export Compliance

.01 The Office of Export Compliance includes the Director who plans and directs the execution of policies and programs of the Office; in consultation with the Office of General Counsel, enforces the Export Administration Regulations, except those relating to short supply commodity controls and foreign boycotts against countries friendly to the United States; serves as the primary contact point in matters relating to export enforcement, interpretation, investigation, policy formulation, and administrative and adjudicative proceedings in areas for which the Office is responsible; and directs the following organizational components:

.02 The Intelligence Division develops intelligence information regarding areas of possible export administration violations; collects intelligence data on overseas firms and individuals; and maintains liaison with the intelligence community.

.03 The Investigations Division investigates suspected export administration violations; and, in consultation with the Office of General Counsel, prepares cases on violations for referral for administrative proceedings by the Department and criminal prosecution by the Department of Justice.

.04 The Facilitation Division conducts on-site physical inspections of cargo for evidence of export administration violations; promotes compliance with export clearance regulations; and maintains liaison with the U.S. Customs Service, Census Bureau, and postal authorities.

.05 The Field Offices in New York, Los Angeles, and San Francisco perform as appropriate the functions of the three Divisions.

Section 4. Office of Antiboycott Compliance

.01 The Office of Antiboycott Compliance includes the Director who plans and directs the execution of policies and programs of the Office; serves as the primary contact relating to administration of Departmental responsibilities under the Export Administration Act of 1979, as amended, regarding foreign boycotts against countries friendly to the United States; and directs the following organizational components:

.02 The Enforcement Division investigates suspected violations of the antiboycott regulations and, in consultation with the Office of General

Counsel, prepares cases on violations for referral to the Administrative Law Judge or for other legal action; provides support, as requested, to the Office of General Counsel in connection with litigated cases; ensures respondent compliance with terms and conditions of orders entered as a result of enforcement actions; develops intelligence; and maintains liaison with other agencies and groups having mutual enforcement concerns.

.03 The Compliance Policy Division develops and coordinates policies and measures for opposing restrictive trade practices or boycotts under the Export Administration Act of 1979, as amended; reviews proposed compliance actions for policy consistency; provides advice to the business community on the application of antiboycott regulations; maintains a program for educating the affected public on the Department's antiboycott policies and regulations; maintains liaison with interest groups, other Government agencies, and embassies of foreign governments on antiboycott matters; in consultation with the Office of General Counsel, prepares amendments, interpretations, and clarifications to the antiboycott regulations; and operates the automated boycott reporting system to provide statistical summaries and enforcement data.

Part VII. Administration, Public Affairs, and Program Support

Management analysis, automated data processing, budget, personnel, public affairs, and administrative support services will be provided by offices reporting to the Director of Administration. Field support will be provided by the U.S. Commercial Service or Foreign Commercial Service, as appropriate. Program support relating to industry information and analysis will be provided by the Department's Bureau of Industrial Economics.

Lionel H. Olmer,

Under Secretary for International Trade.

Lawrence Brady,

Assistant Secretary for Trade Administration.

Bohdan Denysyk,

Deputy Assistant Secretary for Export Administration.

Lawrence Brady,

Acting Deputy Assistant Secretary for Export Enforcement.

Gary Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 82-18334 Filed 7-6-82; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Marine Mammals; Issuance of Permit; Dinnes Memorial Veterinary Hospital

On April 23, 1982, Notice was published in the *Federal Register* (47 FR 17605), that an application had been filed with the National Marine Fisheries Service by Dinnes Memorial Veterinary Hospital, 16133 Ventura Boulevard, Encino, California 91436 for a permit to take ten (10) Atlantic bottlenose dolphins (*Tursiops truncatus*) for the purpose of public display.

Notice is hereby given that on June 30, 1982, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Public Display Permit for the above taking to Dinnes Memorial Veterinary Hospital, subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731;

Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, St. Petersburg, Florida 33702; and

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: June 30, 1982.

Richard B. Rowe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 82-18369 Filed 7-6-82; 8:45 am]

BILLING CODE 3510-22-M

Salmon and Steelhead Conservation and Enhancement Act; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: Notice of continuation of a public meeting recessed from June 14, so that discussions of the implementation of the Salmon and Steelhead Conservation and Enhancement Act of 1980 (Pub. L. 96-561) can be continued.

DATE: July 13, 1982. The meeting will reconvene at 1:00 p.m. and is scheduled to continue until not later than 5:00 p.m. The meeting will be open to interested members of the public; however, space is limited.

ADDRESS: Seattle Airport Hilton, 17620 Pacific Highway South, Seattle, Washington 98188, (206) 244-4800.

MEETING AGENDA: *Organizational Matters*—Those present will continue discussions of organizational procedures in accord with the requirements of Pub. L. 96-561 and the Federal Advisory Committee Act, including staffing needs, office and meeting location, and schedules.

Establishment of Operational Procedures—In accord with the provisions of Pub. L. 96-561, guidelines will be developed and objectives established to achieve the goals established by Pub. L. 96-561. Involved will be overall objectives and budget requirements. Other matters may be brought up during the meeting.

FOR FURTHER INFORMATION CONTACT: H. A. Larkins, Regional Director, National Marine Fisheries Service, 7600 Sand Point Way N.E., BIN C15700, Seattle, Washington, 98115; Telephone: (206) 527-6150.

Dated: July 1, 1982.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 82-18370 Filed 7-6-82; 8:45 am]

BILLING CODE 3510-22-M

Western Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Western Pacific Fishery Management Council was established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265). The Council conducted a public meeting on June 24-25, 1982, at the State Capitol, Senate Conference Room 6, Honolulu, Hawaii, inadvertently not published in the *Federal Register* due to a breakdown in communication, even though the meeting was publicized in advance in local media by the Council.

In an effort to allow the public to become aware of the topics discussed at the meeting, the Council will make detailed minutes of the public meeting available free of charge. Any item on the meeting agenda may be rescheduled at a subsequent Council meeting upon written request to the Council.

The National Marine Fisheries Service regrets that timely publication of the meeting was not provided.

FOR FURTHER INFORMATION OR A COPY OF THE MINUTES OF THE MEETING

CONTACT: Western Pacific Fisheries Management Council, Room 1608, 1164

Bishop Street, Honolulu, Hawaii 96813; Telephone: (808) 523-1368.

Dated: July 1, 1982.

E. Craig Felber,

Chief, Management Services Staff, National Marine Fisheries Service.

[FR Doc. 82-18371 Filed 7-6-82; 8:45 am]

BILLING CODE 3510-22-M

Evaluation of Coastal Zone Management Programs

AGENCY: Office of Coastal Zone Management.

ACTION: Notice of availability of evaluation findings.

SUMMARY: Notice is hereby given of the availability of the evaluation findings for the Louisiana, Alabama, Rhode Island, North Carolina, and South Carolina Coastal Zone Management Programs.

Section 312 of the Coastal Zone Management Act of 1972, as amended, requires a continuing review of the performance of each coastal state with respect to the implementation of its federally approved coastal management program. The states evaluated were found to be adhering both to the programmatic items of their financial assistance awards and to their approved coastal management programs; and to be making satisfactory progress on grant tasks, special award conditions, and significant improvement tasks. Accomplishments were occurring with respect to the national coastal management objectives identified in section 303(2)(A)-(I) of the Coastal Zone Management Act.

A copy of the findings made by the Acting Assistant Administrator for Coastal Zone Management for each of these states may be obtained on request from: Harriet Knight, Chief of Program Evaluation, Office of Coastal Zone Management, Page Building 1, 3300 Whitehaven Street, NW., Washington, D.C. 20235 (telephone: 202/634-4245).

Dated: June 28, 1982.

William Matuszeski,

Acting Assistant Administrator for Coastal Zone Management.

[FR Doc. 82-18350 Filed 7-6-82; 8:45 am]

BILLING CODE 3510-08-M

DEPARTMENT OF DEFENSE

Department of the Army

Department of the Army Performance Review Boards

ACTION: Notice.

SUMMARY: Notice is hereby given of the name of additional members of the DARCOM and Office of the Chief of Staff Performance Review Boards for the Department of Army for 1982.

EFFECTIVE DATE: June 29, 1982.

FOR FURTHER INFORMATION CONTACT:

Carol D. Smith, Senior Executive Service Office, Directorate of Civilian Personnel, Headquarters, Department of the Army, the Pentagon, Washington, DC 20310, (202) 697-2204.

SUPPLEMENTARY INFORMATION: Section 4314(c) (1) through (5) of Title 5 U.S.C., requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more performance review boards. The boards shall review and evaluate the initial appraisal of senior executive's performance by the supervisor and make recommendations to the appointing authority or rating official relative to the performance of the senior executives. Each board's review and recommendation will include only those senior executive's appraisals from their respective commands or activities. A consolidated board has been established for those commands who do not have enough senior executives to warrant the establishment of separate boards. Publication of this notice corrects the notice published in 47 CFR Part 120, dated June 22, 1982, page 26884, to account for additions and deletions to the membership of those boards previously published.

The additional member of the Performance Review Board for the U.S. Army Materiel Development and Readiness Command is:

Ms. Marie B. Acton, HQ U.S. Army Materiel Development and Readiness Command.

The additional members of the Performance Review Board for the Office of the Chief of Staff, Army are:

1. Mr. Cecil D. Richardson, Director, Systems Technology Project Office, Ballistic Missile Defense Advance Technology Center.

2. Dr. James R. Fisher, Director, Technical Analysis Directorate, Ballistic Missile Defense Advance Technology Center.

John O. Roach, II,
Army Liaison Officer with the Federal Register.

Corps of Engineers; Department of the Army

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for a Proposed Local Flood Protection Project Located at Reno Beach-Howard Farms, Lucas County, Ohio

AGENCY: U.S. Army Engineer District, Buffalo, DOD.

ACTION: Notice of intent to prepare a draft environmental impact statement (DEIS).

Proposed Action: The proposed action would involve measures to provide flood protection and/or alleviate flood damages at Reno Beach-Howard Farms.

Alternatives Considered: Four reasonable alternatives have been developed for evaluation. These four are:

1. Plan A—The Authorized Project—This plan consists primarily of construction of two lakefront dikes faced with quarry-run stone fill aggregative 8,200 feet in length and a 230-foot long steel sheet pile floodwall at Wards Canal.

2. Plan B—Rebuilding the Present Dike—This plan involves rebuilding of the existing lakeshore dike to provide a permanent project. Different states of deterioration would require different levels of work to provide a permanent level of protection. These five levels of work are:

- No work required (2,240 feet);
- Construct berm at the base of the structure to provide toe protection (950 feet).
- Construct a berm at the toe and rework the oversteep upper face of the structure to provide the design slope (4,100 feet);
- Drive steel sheet pile toe protection and rework the oversteep face of the structure (200 feet); and
- Reconstruct the structure. This work would involve removing all the stone to the core, using largest stones for toe protection, regrading core, placing new filter cloth, importing and placing underlayer, and replacing armor stone (7,910 feet).

3. Plan C—Permanent Evacuation and Relocation—Under this plan, approximately 511 homes would be purchased at fair market value and their residents relocated from the area. Residents would be compensated for their moving and relocation expenses. After the area is evacuated, the homes and other structures would be removed either by demolition or physical relocation.

4. Plan D—No Action—This plan would mean no Federal involvement in flood protection of Reno Beach-Howard Farms. Basically, this would involve continued maintenance of the existing structure by local interests.

Scoping Process: Prior to the completion of the DEIS, a public meeting will be held to identify the views of all public concerns regarding the alternatives presented and suggestions for others. Other meetings and/or workshops may be held throughout the final planning process as the need arises. Participation of affected Federal, state and local agencies and other interested private organizations and parties are invited.

Significant issues to be analyzed in the DEIS will include a determination of the extent, in degree and kind, to which the alternatives might positively or negatively impact upon the human and natural environments. Specifically these issues include possible wetland reestablishment, benthic habitat enhancement, water quality improvement, prime farmland protection, health and safety and community cohesion protection, and possible floodplain development inducement. The financial capabilities of the local cooperator(s) will also be analyzed.

Scoping Meeting: No scoping meeting is currently scheduled.

Availability: This Draft Environmental Impact Statement will be made available to the public on or about 30 April 1983.

Address: Questions about the proposed action and DEIS can be answered by William E. Bulter, U.S. Army Engineer District, Buffalo, 1776 Niagara Street, Buffalo, NY 14207; Phone 716/876-5454.

Dated: June 29, 1982.

George P. Johnson,
Colonel, Corps of Engineers, District Engineer.

[FR Doc. 82-18342 Filed 7-6-82; 8:45 am]

BILLING CODE 3710-GP-M

DEPARTMENT OF EDUCATION

National Advisory Council on Indian Education; Cancellation of Meeting

AGENCY: National Advisory Council on Indian Education, Education.

ACTION: Cancellation of meeting.

SUMMARY: Notice is hereby given of the cancellation of the Legislative, Rules and Regulations Committee and Executive Committee meeting of the National Advisory Council on Indian

Education, July 6-8, 1982, in Tempe, Arizona, as published in the *Federal Register* on June 15, 1982, Volume 47, No. 115, Page 25761.

Signed at Washington, D.C., this 30th day of June 1982.

Michael P. Doss,

Executive Director, National Advisory Council on Indian Education.

[FR Doc. 82-18381 Filed 7-6-82; 8:45 am]

BILLING CODE 4900-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 4800-000]

City of Bountiful, Utah; Application for Major License Under 5 MW

June 24, 1982.

Take notice that City of Bountiful, Utah (Applicant) filed on February 8, 1982, an application for license (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for construction and operation of a water power project to be known as the Moon Lake hydro project No. 4800. The project would be located on the Lake Fork River in Duchesne County, Utah.

Correspondence with the Applicant should be directed to: W. Berry Hutchings, Manager, City of Bountiful Light and Power, 198 South 200 West, Bountiful, Utah 84010.

Project Description—The proposed project would utilize the existing Bureau of Reclamation's Moon Lake Dam and Reservoir, operated and maintained by the Moon Lake Water Users Association, and would consist of: (1) Two steel penstocks, one 48-inch in diameter and 7,500 feet long (no. 1), and the other 24-inch in diameter and 300 feet long (no. 2)—both utilizing the existing outlet works near the left dam abutment, with no. 1 leading to (2) a lower powerhouse containing a turbine-generator unit having a rated capacity of 4,250 kW, and with no. 2 leading to (3) an upper powerhouse containing a turbine-generator unit having a rated capacity of 475 kW; (4) two tailraces; (5) 12.5 kV transmission lines and interconnection to an existing 69 kV transmission system; and (6) appurtenant facilities. The total capacity of the two powerplants would be 4,725 kW. A new Bureau of Reclamation project, Taskeech Dam and Reservoir located four miles downstream, is expected to be completed in 1988. The lower powerplant would be constructed before Taskeech is completed and the upper powerplant afterwards. The Applicant estimates that the average

annual energy output before Taskeech would be 12,293,000 kWh and that an additional output of 2,479,000 kWh would make the total 14,772,000 kWh after Taskeech is completed. Project energy would be utilized by the City of Bountiful through transmission agreements with the Moon Lake Electric Association.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88-29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Western Hydro Electric Incorporated's application for Project No. 5245 filed on August 18, 1981. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notice of intent. In accordance with the Commission's regulations, no competing applications for licenses or exemptions, or notices of intent to file competing applications, will be accepted for filing in response to this notice. (See: 18 CFR 4.30 et. seq. or 4.101 et seq (1981), as appropriate.)

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules and Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before July 30, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of

the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-18390 Filed 7-6-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-374-000]

Cities Service Gas Co.; Application

July 1, 1982.

Take notice that on June 14, 1982, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP82-374-000 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and for permission and approval to abandon certain facilities on its transmission system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to tap its 16-inch pipeline located on the Fort Leavenworth Military Reservation in Leavenworth County, Kansas, and construct 0.05 mile of 6-inch pipeline and install new measuring, regulating and appurtenant facilities to deliver natural gas to the Federal Penitentiary at Fort Leavenworth and to abandon approximately 0.55 mile of 6-inch pipeline and reclaim the existing measuring, regulating and appurtenant facilities. Applicant also proposes to abandon by sale to the U.S. Department of Justice approximately 0.19 mile of 6-inch pipeline and appurtenant facilities on the penitentiary grounds.

It is asserted that the total cost of the facilities to be installed would be \$41,990 which would be financed from treasury cash.

It is asserted that the proposed abandonment of the facilities would not result in any abandonment of gas service to any existing customers.

Applicant asserts that the facilities it proposes to replace were originally

installed in 1939 and are badly deteriorated or are more appropriately a part of the prior distribution system.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 23, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-18391 Filed 7-6-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-435-000]

Central Louisiana Electric Co.; Order Accepting for Filing and Suspending Proposed and Alternative Rates, Granting Interventions, and Initiating Hearing Procedures

Issued: June 30, 1982.

On April 2, 1982, as modified by letter of May 25, 1982, Central Louisiana Electric Company, Inc. (CLECO) tendered, under section 35.12 of the

regulations, an executed agreement for transmission service from a new coal-fired generating unit; Rodemacher Unit No. 2, to Lafayette Public Power Authority (LPPA).¹ In the alternative, CLECO has submitted for filing three separate, unexecuted agreements, all of which are currently under negotiation, for transmission service from Rodemacher Unit No. 2 to LPPA, the City of Lafayette, Louisiana (Lafayette), and the Louisiana Electric and Power Authority (LEPA).² The proposed filing provides for a monthly charge of \$0.987/kW and the alternative proposed monthly rate for transmission service to Lafayette and LEPA would be \$0.814/kW of contract demand and 2 mills/kWh for wheeling energy in excess of contract demand. The effective date for service under either the proposed filing or the alternative filings is July 1, 1982, to coincide with the scheduled commercial operation date of Rodemacher Unit No. 2.³

Notice of the filing was issued on April 12, 1982, with responses due on or before April 27, 1982. On April 27, 1982, LEPA filed a protest and petition to intervene. LEPA argues that the filed rates constitute a change in rates under the Commission's regulations. LEPA objects to the proposed rates, terms, and conditions for transmission service to LEPA, alleging that they are unjust and unreasonable. In particular, LEPA challenges the interruptible, non-firm nature of the transmission service, contending that it plans to use its Rodemacher entitlement for baseload purposes and that the terms of service will restrict its ability to market power. In addition, LEPA objects to the proposed transmission rates noting that the same rates are being offered to Lafayette although service to Lafayette would be accorded priority over service to LEPA. LEPA asks that the proposed rates, terms, and conditions for transmission service to LEPA be suspended for a nominal period.

On April 27, 1982, Lafayette filed a request, which CLECO indicated it would not oppose, for a one day

extension of time in which to respond so as to more adequately reflect the status of ongoing negotiations. On April 28, 1982, Lafayette filed a protest and petition to intervene. Lafayette likewise argues that the filed rates represent a change in rates under the Commission's regulations, seeks a deficiency letter requiring additional cost support information, and notes that the proposed rates, terms, and conditions for transmission service to Lafayette may be unjust and unreasonable. In order to make the proposed services available by the commercial operation date, Lafayette also seeks a nominal suspension.

On May 13, 1982, CLECO filed a response denying the various allegations made by LEPA and Lafayette and contending that the instant submittals constitute an initial rate. On June 18, 1982, Lafayette filed a response to CLECO's last submittal. Lafayette argues that the filed rates constitute a change in rates and that the proposed filing is deficient. Lafayette further argues that only the alternative filings may be made effective and that the secondary energy charge found in the alternative filings should be rejected.

Discussion

In view of Lafayette's direct interest in this proceeding as well as the facts that a timely request for extension was submitted, that Lafayette's pleading was only one day out of time and will not delay the proceeding, and that no objection to intervention has been expressed, the Commission finds that good cause exists for late intervention by Lafayette. We further find that participation in this proceeding by both intervenors is in the public interest. Therefore, the Commission will grant Lafayette's request for a one day extension of time and will grant the petitions to intervene.

Given the nature of the service proposed in CLECO's submittals, we find that the filing substantially complies with the appropriate Commission filing requirements. Thus, the request that the filing be found deficient will be denied.⁴

Although CLECO's submittals were filed pursuant to § 35.12 of our regulations, we believe that they constitute a change in rates pursuant to § 35.13 of the regulations. See 18 CFR 35.1 (1981). CLECO currently provides interchange service, including wheeling service, emergency energy, and

¹ Rodemacher Unit No. 2 was jointly constructed and is jointly owned by CLECO and LPPA. LPPA's share of the power and energy generated will be transmitted by CLECO to LPPA pursuant to the rates set out in this filing (hereinafter referred to as the "proposed filing").

² The unexecuted agreement with LPPA is an amendment to the proposed filing and covers that portion of the entitlement to Rodemacher Unit No. 2 intended for local use. The unexecuted agreement with Lafayette covers that portion of the entitlement to be marketed to others. The unexecuted agreements with both Lafayette and LEPA, contemplate the sale of part of CLECO's interest in Rodemacher Unit No. 2.

³ See Attachment A for rate schedule designations.

⁴ See *Municipal Light Boards of Reading and Wakefield, Massachusetts v. FPC*, 450 F.2d 1341 (D.C. Cir. 1971).

economy energy, to Lafayette. CLECO also currently provides interchange service, including emergency energy, reserve capacity, and accommodation energy, to certain of the municipalities which comprise LEPA. While transmission will be provided nominally on behalf of LEPA as a municipal bulk power supply agency, the ultimate beneficiaries will remain the same and CLECO's current filing therefore represents a change in rate and service.⁵

We believe that the remaining matters raised by the intervenors present questions most appropriately resolved on the basis of an evidentiary hearing. In view of these matters, we find that both CLECO's proposed filing and its alternative filings have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept them for filing and suspend them as ordered below.

We recently addressed the considerations underlying the Commission's policy regarding rate suspensions in *West Texas Utilities Company*, Docket No. ER82-23-000 (February 26, 1982). As explained there, where our preliminary examination indicates that proposed rates may be unjust and unreasonable, but may not be substantially excessive, as described in *West Texas*, we shall impose a nominal suspension. Here, our preliminary review suggests that the rates proposed by CLECO may not produce excessive revenues. Moreover, both LEPA and Lafayette seek only a nominal suspension. Accordingly, we shall suspend the proposed agreements to become effective, subject to refund, on July 1, 1982, or such later date as service is commenced under the specific agreements.

The Commission orders:

(A) Lafayette's request for the issuance of a deficiency letter is hereby denied.

(B) CLECO's submittal is hereby accepted for filing, and is suspended to become effective, subject to refund, on July 1, 1982, or such later date as service is commenced under the specific proposed agreements.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections

205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of CLECO's rates, terms, and conditions of service.

(D) Lafayette's request for a one-day extension of time in which to intervene is hereby granted.

(E) The petitions to intervene in this proceeding are hereby granted subject to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act; *Provided, however*, that participation by such intervenors shall be limited to the matters set forth in their petitions to intervene; and *provided, further*, that the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order of the Commission in this proceeding.

(F) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days of the issuance of this order, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Such conference shall be held for purposes of establishing a procedural schedule. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(G) The Secretary shall promptly publish this order in the *Federal Register*.

By the Commission.

Kenneth F. Plumb,
Secretary.

Attachment A

Central Louisiana Electric Co., Inc., Rate Schedule Designations

Docket No. ER82-435-000

Designation and Description

- (1) Rate Schedule FERC No. 45
Rodemacher Unit No. 2—Transmission Service Agreement (Exhibit V)
- (2) Supplement No. 1 to Rate Schedule FERC No. 45
Rate Schedule LPPA—CLECO
- (3) Rate Schedule FERC No. 46 (Supersedes Rate Schedule FERC No. 45, as supplemented)
Rodemacher Unit No. 2—Amended Transmission Service Agreement (Exhibit V-A)
- (4) Supplement No. 1 to Rate Schedule FERC No. 46
Rate Schedule LPPA—CLECO

- (5) Rate Schedule FERC No. 47
Rodemacher Unit No. 2—Lafayette Transmission Service Agreement (Attachment E)
- (6) Supplement No. 1 to Rate Schedule FERC No. 47
Rate Schedule Lafayette—CLECO
- (7) Rate Schedule FERC No. 48
Rodemacher Unit No. 2—LEPA Transmission Service Agreement (Exhibit V-B)
- (8) Supplement No. 1 to Rate Schedule FERC No. 48
Rate Schedule LEPA—CLECO

[FR Doc. 82-18392 Filed 7-6-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES82-61-000]

El Paso Electric Co.; Application

July 1, 1982.

Take notice that on June 28, 1982, El Paso Electric Company (Applicant) filed an application with the Federal Energy Regulatory Commission (Commission) seeking authority pursuant to Section 204 of the Federal Power Act to issue and sell in a private placement to institutional lenders up to \$75 million principal amount of five-year floating rate notes and to issue up to a like principal amount of second mortgage bonds to secure the notes.

Any persons desiring to be heard or to make any protest with reference to said application should, on or before July 13, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-18393 Filed 7-6-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6115-000]

Hydro Development Group, Inc.; Application for License (Over 5 MW)

June 24, 1982.

Take notice that the Hydro Development Group, Incorporated (Applicant) filed on March 22, 1982, and application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for construction and operation of a water power project to be known as the Pyrites Project No. 6115. The project would be located on the Grass River in St. Lawrence County, New York. Correspondence with the Applicant should be directed to: Mark E. Quallen,

⁵ See *Florida Power & Light Co. v. FERC*, 617 F.2d 809 (D.C. Cir. 1980); *Central Illinois Public Service Co.*, Docket No. ER81-736-000 (December 28, 1981); *Puget Sound Power & Light Co.*, Docket Nos. ER81-778-000, et al. (November 24, 1981).

Vice President, Box 58, Dexter, New York 13634.

Project Description—The proposed project would consist of: (1) Two slab and buttress dams connected by an island, one an overflow dam 150 feet long and 12 feet high with 1.5-foot-flashboards, and the other a non-overflow dam 208 feet long which includes a 50-foot intake structure; (2) an existing 700-foot-long, 12-foot-wide oval penstock and a new 10-foot-diameter, 2, 160-foot-long penstock; (3) an existing powerhouse measuring 21 by 31 feet located 700 feet downstream of the intake dam containing one 1,200-kW turbine/generator unit operating under a head of 76 feet and a new 38- by 67-foot powerhouse located 1,200 feet downstream of the existing tailrace containing two 3,000-kW turbine/generator units operating under a head of 115 feet; (4) a surge tank 36 feet in diameter and 85 feet high for the new penstock; (5) a new 54- by 146-foot 115/23-kV switchyard; (6) a new substation for use by both powerhouses; (7) a new 23-kV, 700-foot-long transmission line between the new powerhouse and the new switchyard and an existing 23-kV line approximately 1,500 feet long; and (8) appurtenant facilities.

Purpose of Project—The entire average annual generation of 30,487,000 kWh would be sold to the Niagara Mohawk Power Company.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 3, 1982, either the competing application itself (see 18 CFR 4.33 (a) and (d)) or a notice of intent (See 18 CFR 4.33 (b) and (c)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in 4.33(c) or 4.101 et. seq. (1981).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules and Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before September 3, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS",

"NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-16394 Filed 7-6-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RO82-65-000]

NFC Petroleum Corp.; Requiring Supplemental Filing and Granting Extension of Time

June 30, 1982.

On May 12, 1982, the Department of Energy (DOE) filed a notice of NFC Petroleum Corporation's (NFC) intent to appeal a remedial order. On June 1, 1982, NFC filed an answer and request for stay of proceedings. Subsequently DOE filed a motion seeking clarification of NFC's answer and an extension of time for filing its brief in support of the remedial order.

As noted by DOE, NFC is unclear in its answer as to which findings and conclusions of the remedial order NFC intends to appeal to the Commission. The remedial order rules on two issues on the merits: Whether injection wells are included in well count and what constitutes the property for purposes of calculating maximum lawful prices for crude oil produced by NFC. Based on its rulings on these issues, the order concludes NFC overcharged for crude oil and should refund \$153,390.95 plus interest. The order also increased the interest rates on the alleged overcharges and changed the disposition of refunds. In the first paragraph of its answer NFC generally denies each and every allegation contained in the remedial order. But then in the second paragraph NFC contends that the other injection

well issue is "the only substantial issue remaining in this case (other than the modification of interest rate issue* * *)." ¹ NFC notes that the stripper well issue is now before the Temporary Emergency Court of Appeals. ² NFC requests that the Commission proceeding be stayed pending a decision by the court. ³

However, the Commission cannot rule on NFC's request for a stay until NFC clarifies its position. Is NFC appealing only that portion of the alleged overcharges attributable to DOE's holding on the stripper well issue now being litigated before the Temporary Emergency Court of Appeals? If so, what portion of the alleged overcharges is uncontested and why should the Commission stay the uncontested portion? Or is NFC also appealing the DOE holdings on the property issue, increased interest rates and the disposition of refunds? If NFC is appealing the increased interest rates and disposition of refunds, were these issues raised in the prior DOE proceedings? Or is NFC seeking to raise new issues and does it meet the requirements of § 1.38(g)(1) of the Commission's rules? ⁴ In short, NFC must state clearly which findings of the remedial order it admits and which it denies and whether and on what basis it seeks to raise any new issues.

By July 12, 1982, NFC's attorney shall file a statement responding in detail to the inquiries in this notice, describing exactly which DOE findings and what portion of the \$153,390.95 in alleged overcharges NFC is appealing, and explaining what part of the appeal it wishes to stay and the grounds for a stay. For purposes of making filings which under § 1.38(f)(1) are scheduled based on the filing of NFC's answer, DOE shall treat the filing date of the above required statement as the filing date of the answer.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-16395 Filed 7-6-82; 8:45 am]

BILLING CODE 6717-01-M

¹ Answer of NFC Corporation and Request for Stay of Proceedings at 1 (filed June 1, 1982).

² See *In Re The Department of Energy Stripper Well Exemption Litigation*, 520 F. Supp. 1232 (D. Kan. 1981).

³ NFC also notes that the interest issue in other Commission cases has been stayed pending issuance by DOE of an order on remand in *Twin Montana, Inc.*, Docket No. RO80-7-000. On June 4, 1982 DOE issued the order on remand. *Twin Montana, Inc.*, Case No. HCX-0004 (June 4, 1982).

⁴ 18 CFR 1.38(g)(1).

[Docket No. CP81-302-002]

Natural Gas Pipeline Co. of America; Amendment

June 30, 1982.

Take notice that on June 16, 1982,¹ Natural Gas Pipeline Company of America, 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP81-302-002 an amendment to its petition to amend filed May 28, 1982, pursuant to Section 7(c) of the Natural Gas Act so as to authorize the construction and operation of a tap, meter station, and appurtenant facilities in Vermilion Parish, Louisiana, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

It is stated that by order issued August 12, 1981, Petitioner was authorized to transport natural gas for a direct sale thereof to Dow Chemical Company (Dow). It is further asserted that in its petition to amend filed May 28, 1982, Petitioner proposed a second route of deliveries of the gas to DOW involving only Dow Interstate Gas Company (DIG).

Petitioner states that the purpose of this amendment is to request authorization for the facilities needed to effect the proposed interconnection with DIG. Petitioner, therefore, proposes to construct and operate a tap, a meter station, and appurtenant facilities in Vermilion Parish, Louisiana.

It is stated that the total cost of the proposed facilities would be approximately \$472,000 for which Dow would reimburse Petitioner.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before July 8, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the

Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-18396 Filed 7-6-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3173-001]

Public Utility District No. 1 of Grays Harbor County; Surrender of Preliminary Permit

July 1, 1982.

Take notice that Public Utility District No. 1 of Grays Harbor County, Washington, Permittee for the proposed Wynoochee Dam Hydroelectric Project No. 3173, has requested that its preliminary permit be terminated. The preliminary permit was issued on April 20, 1981, and would have expired March 31, 1983. The project would have been located at the U.S. Army Corps of Engineers' Wynoochee Dam on the Wynoochee River in Grays Harbor County, Washington. The Permittee expressed its inability to proceed with the feasibility studies required under the preliminary permit.

The Permittee filed its request on June 14, 1982, and the surrender of the preliminary permit for Project No. 3173 is deemed effective as the date of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-18397 Filed 7-6-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6151-000]

Rainsong Co.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

June 24, 1982.

Take notice that on April 1, 1982, Rainsong Company (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 as amended), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 6151) would be located on Cabin Creek, tributary of the Hamma Hamma River, in Mason and Jefferson Counties, Washington. Correspondence with the Applicant should be directed to: Mr. Jerry L. Johnson, Agent, Post Office Box 485, Lynden, Washington 98264.

Project Description—The proposed project would consist of: (1) A 60-foot-long, 6-foot-high diversion structure; (2) a 7,000-foot-long, 30-inch-diameter pipeline/penstock; (3) a powerhouse

containing one pelton-type generating unit with a rated capacity of 2.8 MW; and (4) a 20,000-foot-long, 55-kV transmission line from the powerhouse to an existing 230-kV Bonneville Power Administration transmission line, or a 5.5-mile-long, 12-kV transmission line to intertie into the existing Mason County Public Utility District No. 1 transmission line. The Applicant estimates that the average annual energy production would be approximately 17 GWh. The project is located entirely within the Olympic National Forest.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, the State of Washington Department of Fisheries and State of Washington Department of Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none.

Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before August 16, 1982 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested

¹The amendment was initially tendered for filing on June 16, 1982; however, the fee required by Section 159.1 of the Regulations under the Natural Gas Act (18 CFR 159.1) was not paid until June 17, 1982; thus, filing was not completed until the latter date.

person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before August 16, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-18398 Filed 7-6-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5991-001]

Serena Falls School and Gordon Foster; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

July 1, 1982.

Take notice that on May 13, 1982, Serena Falls School and Gordon Foster (Applicant) filed an application, under

Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705, and 2708 as amended), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 5991-001) would be located on Deep Creek, near Northport in Stevens County, Washington. Correspondence with the Applicant should be directed to: Mr. Gordon Foster, Box 92, Northport, Washington 99157.

Project Description—The proposed project would consist of: (1) a 4-foot-high, 45 foot-long diversion structure; (2) a 95-foot-long, 42-inch-diameter penstock; (3) a powerhouse containing two generating units with total installed capacity of 270 kW and (4) a 1000-foot-long, 52-kV transmission line from the powerhouse to an existing Washington Water Power Company transmission line. The Applicant estimates that the average annual energy production would be 0.54 million kWh.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the Washington Department of Fisheries and Department of Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before August 30, 1982 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules and Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before August 30, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-18399 Filed 7-6-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6359-000]

**Southern California Edison Co.;
Application for Exemption for Small
Hydroelectric Power Project Under 5
MW Capacity**

June 24, 1982.

Take notice that on May 21, 1982, Southern California Edison Company (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705, and 2708 as amended), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric Project No. 6359 would be located on Jose and Mill Creeks, near Shaver Lake, in Fresno County, California, and would occupy U.S. lands in Sierra National Forest. Correspondence with the Applicant should be directed to: John R. Bury, Vice President and General Counsel, Southern California Edison Company, P.O. Box 800, Rosemead, California 91770.

Project Description—The proposed project would consist of: (1) A 6-foot-high diversion structure on Jose Creek; (2) a reinforced concrete flume to; (3) the 6-foot-high Mill Creek diversion structure; (4) an 8,600-foot-long, trapezoidal cross-section concrete flume; (5) a sandbox and forebay; (6) a 3,400-foot-long, 32-inch-diameter steel penstock; (7) a concrete powerhouse containing two generating units, one rated at 1,250 kW and one rated at 3,750 kW; and appurtenant facilities. The average annual energy generation is estimated to be 12.8 million kWh.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the California Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that

agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—This application was filed as a competing application to West Slope Power Company's application for Project No. 5864 filed on January 8, 1982. Public notice of the filing of the initial exemption application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no further competing applications for preliminary permit, exemption, or license, or notices of intent to file an application for preliminary permit, exemption, or license will be accepted for filing in response to this notice.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules and Practice of Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before August 16, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

**Kenneth F. Plumb,
Secretary.**

[FR Doc. 82-18400 Filed 7-6-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6208-000]

**Trout-Co, Inc.; Application for
Exemption for Small Hydroelectric
Power Project Under 5 MW Capacity**

July 1, 1982.

Take notice that on April 19, 1982, Trout-Co., Inc. (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 as amended), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 6208) would be located on Billingsley Creek, near Hagerman, in Gooding County, Idaho. Correspondence with the Applicant should be directed to: Mrs. Helen Chenoweth, Vice President, Consulting Associates, Inc., P.O. Box 893, Boise, Idaho 83701.

Project Description—The proposed project would consist of: (1) An existing 8-foot-high diversion structure; (2) a 48-inch-diameter, 35-foot-long steel penstock; (3) a powerhouse with a total installed capacity of 140 kW; and (4) a 1,000-foot-long, 34.5-kV transmission line. The Applicant estimates that the average annual energy output would be 1.15 million kWh.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects and the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Idaho Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none.

Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before August 30, 1982 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protest, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protest, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before August 30, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing,

Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-18401 Filed 7-6-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES82-63-000]

Upper Peninsula Generating Co.; Application

July 1, 1982.

Take notice that on June 22, 1982, Upper Peninsula Generating Company (Applicant) filed an application with the Federal Energy Regulatory Commission seeking authority, pursuant to Section 204(a) of the Federal Power Act, to issue not more than \$55,000,000 of short-term notes, with a final maturity date not later than July 1, 1985.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 21, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-18402 Filed 7-6-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5341-001]

Western Power Inc.; Application for Exemption for Small Hydroelectric Power Project Under 5 Mw Capacity

July 1, 1982.

Take notice that on April 15, 1982, Western Power Incorporated (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 as amended), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 5341) would be located on Silver Creek, within the Mt. Baker/Snoqualmie National Forest, near the City of Index, in Snohomish County, Washington. Correspondence with the Applicant should be directed to: Mr. Thomas R. Childs, Western Power

Incorporated, P.O. Box 2217, Bellingham, Washington 98227.

Project Description—The project would consist of: (1) A 6-foot-high, 30-foot-long diversion structure; (2) a 8,700-foot-long, 60-inch-diameter low pressure conduit; (3) a 700-foot-long, 54-inch-diameter penstock; (4) a powerhouse containing two generating units with a total installed capacity of 5.0 Mw; (5) a 50-foot-long tailrace from the powerhouse into Silver Creek; and (6) a 3,960-foot-long, 69-kV transmission line from the powerhouse to the proposed Storm Ridge Project transmission line. The Applicant estimates that the average annual energy production would be 19.58 million kWh.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Washington Department of Fisheries and Department of Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before August 23, 1982 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license

application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before August 23, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-18403 Filed 7-6-82; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 6271-000]

White Water Ranch; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

June 24, 1982.

Take notice that on April 29, 1982, White Water Ranch (Applicant) filed an

application under section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 as amended), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 6271) would be located on Stoddard Creek and an unnamed spring in Gooding County, Idaho. Correspondence with the Applicant should be directed to: Mr. Dale Hatch, P.O. Box 1071, Twin Falls, Idaho 83301.

Project Description—The proposed project would be located on the Applicant's trout hatchery and would consist of three developments. Development A consisting of: (1) An existing 5-foot-high diversion structure on Stoddard Creek; a 250-foot-long, 20-inch diameter penstock; (3) a powerhouse containing a single generating unit with a rated capacity of 55 kW. Development B comprising: (1) A 280-foot-long, 22-inch-diameter penstock connecting settling pond #2 with; (2) a powerhouse containing a single generating unit with a rated capacity of 30 kW. Development C comprising: (1) A 22-inch-diameter, 440-foot-long penstock connecting settling pond #4 with; (2) a powerhouse, containing a single generating unit with a rated capacity of 100 kW that would be located above the A. J. Wiley Project No. 2845 reservoir boundary on the Snake River.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Idaho Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none.

Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will

be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before August 16, 1982 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before August 16, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must

also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-18404 Filed 7-6-82; 8:45 am]
BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[PP 1G2485/T375; PH-FRL 2159-6]

Extension of Exemptions From Requirement of Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has extended the exemptions from the requirement of tolerances for residues of the virus codling moth granulosis when used as a virus on apples, pears and walnuts.

DATE: These temporary exemptions from the requirement of tolerances expire May 5, 1984.

FOR FURTHER INFORMATION CONTACT: Franklin Gee, Product Manager (PM) 17, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 207, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202. (703-557-2690).

SUPPLEMENTARY INFORMATION: EPA issued a notice that was published in the *Federal Register* of July 21, 1981 (46 FR 37560) that temporary exemption from the requirement of tolerances were established for residues of the virus codling moth granulosis when used as a virus on apples, pears and walnuts. These exemptions from the requirement of tolerances were extended in response to pesticide petition PP 1G2485, submitted by Sandoz, Inc., Crop Protection, 480 Camino Del Rio South, Suite 204, San Diego, CA 92108.

The company requested an extension of the temporary tolerances to permit the continued marketing of the above raw agricultural commodities when treated in accordance with the provisions of experimental use permit 11273-EUP-23 which is being extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and all other relevant material were evaluated, and it was determined that the exemptions from the requirement of tolerances will protect the public health. Therefore, the temporary exemptions from the requirement of tolerances have been extended on the condition that the

pesticide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the experimental use permit.

2. Sandoz, Inc. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary exemptions from the requirement of tolerances expire May 15, 1984. Residues remaining in or on the above raw agricultural commodities after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary exemptions from the requirement of tolerances. These temporary exemptions from the requirement of tolerances may be revoked if the experimental use permit is revoked or if any experience or scientific data with this pesticide indicate that such revocation is necessary to protect the public health.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the *Federal Register* of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516 (21 U.S.C. 346a(j)))

Dated: June 22, 1982.

Douglas D. Camp,
Director, Registration Division, Office of
Pesticide Programs.

[FR Doc. 82-17756 Filed 7-6-82; 8:45 am]

BILLING CODE 6580-50-M

[PF-275; PH-FRL 2159-4]

Shell Oil Co.; Pesticide Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Shell Oil Co. proposes amending three pesticide petitions by

revising tolerances levels and establishing tolerances for certain commodities for residues of the insecticide cyano (3-phenoxyphenyl) methyl-4-chloro-alpha-(1-methylethyl) benzeneacetate.

ADDRESS: Written comments to: Franklin D. R. Gee, Product Manager (PM) 17, Registration Division, Office of Pesticide Programs (TS-767C), Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20464.

Written comments may be submitted while the petitions are pending before the Agency. The comments are to be identified by the document control number "[PF-275]" and the specific petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: PM 17, Franklin D. R. Gee, (703-557-2690).

SUPPLEMENTARY INFORMATION: Shell Oil Co., Suite 200, 1025 Connecticut Avenue, NW., Washington, D.C. 20036, submitted the following pesticide petitions (PP) proposing to amend 40 CFR 180.379 by establishing tolerances for residues of the insecticide cyano (3-phenoxyphenyl) methyl-4-chloro-alpha-(1-methylethyl) benzeneacetate in or on certain raw commodities.

PP 1F2430. In the *Federal Register* of December 23, 1980 (45 FR 84849), EPA announced that Shell Oil Co., had submitted PP 1F2430 proposing to amend 40 CFR 180.379 by establishing tolerances for residues of the insecticide cyano (3-phenoxyphenyl) methyl-4-chloro-alpha-(1-methylethyl) benzeneacetate in or on the raw commodities sweet corn kernels and cobs at 0.1 part per million (ppm). Shell Oil Co. has amended this petition by establishing tolerances in or on corn fodder and forage at 50.0 ppm; milk fat at 7.0 ppm; milk at 0.3 ppm; fat, meat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 1.5 ppm. The proposed analytical method for determining residues in gas chromatography.

PP 2F2599. In the *Federal Register* January 13, 1982, (47 FR 1408), EPA announced that Shell Oil Co. had submitted PP 2F2599 proposing to amend 40 CFR 180.379 by establishing a tolerance for the above insecticide in or on the commodity head lettuce at 10.0 ppm. Shell has amended the petition by increasing the tolerance level to 15 ppm. The analytical method for determining residues is gas chromatography.

PP 2F2587. In the Federal Register of December 16, 1981 (46 FR 61330), EPA announced that Shell Oil Co. had submitted PP 2F2587 proposing to amend 40 CFR 180.379 by establishing tolerances for residues of the above insecticide in or on the raw agricultural commodity peaches at 4.0 ppm. Shell has amended the petition by increasing the tolerance level to 10.0 ppm. The analytical method for determining residues is gas chromatography.

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136))

Dated: June 22, 1982.

Douglas D. Camp, Jr.
Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 82-17623 Filed 7-6-82; 8:45 am]

BILLING CODE 6560-50-M

[OPP-C30206A; PH-FRL 2159-5]

Tuco Products Co.; Approval of Application To Conditionally Register a Pesticide Product Containing a New Active Ingredient

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has conditionally approved the application by Tuco Products Co. to register the herbicide Collego containing an active ingredient not included in any previously registered pesticide product pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

FOR FURTHER INFORMATION CONTACT: Richard Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, CM#2, Rm. 237, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1830).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the Federal Register of November 4, 1981 (46 FR 54795) that Tuco Products Co., Div. of Upjohn Co., 7171 Portage Rd., Kalamazoo, MI 49001, had submitted an application to register the herbicide Collego containing 15 percent of the active ingredient *colletotrichum gloeosporioides* f. sp. *aeschynomene* an ingredient not included in any previously registered product.

The application was approved on June 3, 1982 for general use in pesticide formulation. The product was assigned EPA registration No. 1023-83.

A copy of the approved label and the list of data references used to support registration are available for public inspection in the office of the product

manager. The data and other scientific information used to support registration, except for the material specifically protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (92 Stat. 819; 7 U.S.C. 136), will be available for public inspection in accordance with section 3(c)(2) of FIFRA within 30 days after registration date. Requests for data must be made in accordance with the provisions of the Freedom of Information Act, and must be addressed to the Freedom of Information Office (A-101), EPA, 401 M St., SW., Washington, DC 20460. Such requests should: (1) identify the product name and registration number and (2) specify the data or information desired.

(Sec. 3(c)(2) FIFRA, as amended).

Dated: June 22, 1982.

James M. Conlon,
Acting Director, Office of Pesticide Programs.

[FR Doc. 82-17622 Filed 7-6-82; 8:45 am]

BILLING CODE 6560-50-M

[PP 1G2532/T382; PH-FRL 2163-1]

Metalaxyl; Establishment of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has established temporary tolerances for residues of the fungicide metalaxyl and its metabolites in or on certain raw agricultural commodities. These temporary tolerances were requested by Ciba-Geigy Corporation.

DATE: These temporary tolerances expire January 1, 1984.

FOR FURTHER INFORMATION CONTACT: Henry Jacoby, Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 227, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1900).

SUPPLEMENTARY INFORMATION: Ciba-Geigy Corporation, P.O. Box 11422, Greensboro, NC 27409, has requested, in pesticide petition PP 1G2532, the establishment of temporary tolerances for residues of the fungicide metalaxyl [N-(2,6-dimethylphenyl)-N-(methoxyacetyl) alanine methylester] and its metabolites containing the 2,6-dimethylaniline moiety, each expressed as metalaxyl, in or on the raw agricultural commodities milk at 0.02 part per million (ppm); eggs, meat, fat and meat byproducts (excluding liver and kidney) of cattle, goats, hogs, horses, poultry and sheep at 0.05 ppm; liver of cattle, goats, hogs, horses,

poultry and sheep at 0.3 ppm; cucumbers, melons, soybean grain at 0.5 ppm; broccoli, cabbage, cauliflower, dry bulb onions, tomatoes, kidney of cattle, goats, hogs, horses, poultry and sheep at 1.0 ppm; green onions and lettuce (head) at 5.0 ppm; soybean forage and fodder at 7.0 ppm, and spinach at 10.0 ppm. A related document establishing a feed additive regulation permitting residues of metalaxyl and its metabolites containing the 2,6-dimethylaniline moiety in tomato pomace (dry) at 20.0 ppm; in tomato pomace (wet) at 5.0 ppm, and in soybean hulls, meal and soap stock at 1.0 ppm has been published (47 FR 25952). Also, a food additive regulation for metalaxyl and its metabolites in tomato processed products at 3.0 ppm, has been published (47 FR 25950).

These temporary tolerances will permit the marketing of the above raw agricultural commodities when treated in accordance with the provisions of experimental use permit 100-EUP-71 which is being issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and all other relevant material were evaluated, and it was determined that establishment of the temporary tolerances will protect the public health. Therefore, the temporary tolerances have been established on the condition that the pesticide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the experimental use permit.

2. Ciba-Geigy Corp. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These tolerances expire January 1, 1984. Residues not in excess of these amounts remaining in or on the raw agricultural commodities after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerances. These tolerances may be revoked if the experimental use permit is revoked or if any experience or scientific data with this pesticide indicate that such revocation is necessary to protect the public health.

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

Pursuant to requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 610-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950)

(Sec. 408(j), 68 Stat. 516 (21 U.S.C. 346a(j)))

Dated: June 28, 1982.

Douglas D. Camp,
Director, Registration Division, Office of
Pesticide Programs.

[FR Doc. 82-18305 Filed 7-6-82; 8:45 am]

BILLING CODE 6580-50-M

[OPP-66093; PH-FRL 2162-7]

**Certain Pesticide Products; Intent To
Cancel Registrations**

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Notice.

SUMMARY: This notice lists the name of firms requesting voluntary cancellation of registration of their pesticide products in compliance with section 6(a)(1) of the Federal Insecticide, Fungicide, and

Rodenticide Act (FIFRA) as amended. Production of these products after the effective date of cancellation will be considered a violation of the Act unless continued registration is requested.

EFFECTIVE DATE: August 6, 1982.

ADDRESS: Written comments to:
Document Control Officer (TS-793),
Management Support Division, Office of
Pesticides and Toxic Substances,
Environmental Protection Agency, Rm.
E-401, 401 M St. SW., Washington, DC
20460.

FOR FURTHER INFORMATION CONTACT:
Lela Sykes, Process Coordination
Branch (TS-767C), Registration Division,
Office of Pesticide Programs,
Environmental Protection Agency, Rm.
706, CM#2, 1921 Jefferson Davis
Highway, Arlington, VA 22202, (703-
557-7406).

SUPPLEMENTARY INFORMATION: EPA has been advised by the following firms of their intent to voluntarily cancel registration of their pesticide products.

Registration No.	Product name	Registrant	Date registered
52-98	Kleenodyne	West Chemical Products, Inc., 8 West 40th St., New York, NY 10018	Dec. 15, 1955.
92-13	Tri-Fene Extra	Tenneco Chemicals, Inc., Turner Place, P.O. Box 365, Piscataway, NJ 08854	Jan. 13, 1969.
148-1005	Ferbate Dust	Thompson Hayward Chemical Co., P.O. Box 2383, Kansas City, KS 66110	Apr. 21, 1972.
226-189	Tobacco States Brand 95% Ferbam Wettable Powder	Tobacco States Chemical Co., Inc., P.O. Box 12046, Lexington, KY 40580	May 8, 1970.
239-1538	Chevron Phosphamidon Technical	Chevron Chemical Co., Ortho Division, 840 Hensley St., Richmond, CA 94801	July 27, 1960.
239-2265	Ortho-Gro Chinch Bug Control Plus Fertilizer	do	June 18, 1968.
264-74	Weed Killer 648	Union Carbide Agricultural Products Co., Inc., P.O. Box 12014, Research Triangle Park, NC 27709.	May 2, 1956.
264-108	Weedone Acre Concentrate 96	do	Feb. 24, 1959.
478-896	Stauffer Ferbam 76-WP	Stauffer Chemical Co., 1200 South 47th St., Richmond, CA 94804	Mar. 16, 1956.
557-1935	Gro-The Cygon 2E	Estech General Chemicals Corp., 30 North La Salle St., Chicago, IL 60602	Dec. 1, 1972.
602-197	Purina Rub-A-Duster	Ralston Purina Company, Checkerboard Square, St. Louis, MO 63188	Aug. 11, 1971.
1022-418	Weed-Free S 8P	Chapman Chemical Company, Box 9158, Memphis, TN 38109	Mar. 16, 1968.
1022-422	Chapman Weed-Free SCB 8P	do	Apr. 4, 1968.
1022-431	Chapman Weed-Free S 4P	do	June 13, 1968.
1022-433	Chapman Weed-Free SCB 4P	do	Do.
1348-182	Salcon 0.5% Animal Insecticide Dust	Selco Supply Co., 650 O St., Greeley, CO 80631	Mar. 6, 1963.
1839-37	Sodium Salt Alpha-Naphthaleneacetic Acid	Ornyx Chemical Company, 190 Warren St., Jersey City, NJ 07302	Aug. 31, 1961.
1839-38	Alpha-Naphthaleneacetamide	do	June 28, 1967.
1839-40	Alpha-Naphthaleneacetic Acid	do	Do.
1990-402	Jack Frost Wood Preservative	Farmiland Industries, Inc., P.O. Box 7305, Kansas City, MO 64116	Oct. 21, 1955.
1990-427	Woodbury Penta 10-1 Wood Preservative	do	June 25, 1961.
2568-16	893 Tropical Anti-Fouling	Jotua-Baltimore Copper Paint Co., 840 Key Highway, Baltimore MD 21230	June 19, 1964.
2568-24	Regatta 3012 Fresh Water Bronze	do	June 21, 1965.
2935-316	N.A.A. 200	Wilbur-Ellis Company, 191 W. Shaw Ave., Fresno, CA 93704	Feb. 27, 1967.
2935-316	N.A.A. 800	do	Mar. 1, 1967.
4931-34	Penta Concentrate Wood Preservative	Good-Life Chemicals, Inc., Box 687, Effingham, IL 62401	Nov. 26, 1956.
4931-112	Good-Life Chlordane 8E	do	June 11, 1969.
7364-11	Algimycin ABA	Great Lakes Biochemical Co., Inc., 6120 W. Douglas Ave., Milwaukee, WI 53218	Nov. 18, 1971.
7364-14	Algae Shock Granular Algicide	do	Apr. 18, 1972.
7364-15	Algimycin Tabs	do	May 17, 1972.
7364-27	Algimycin "G" Granular Algicide	do	Dec. 18, 1974.
8959-29	Virtortrine	Applied Biochemists, Inc., 5300 W. County Line Road, Nequon, WI 53092	May 5, 1981.
9463-2	Johar Power Chlor	Bonewitz Chemical Services, Inc., P.O. Box 927, Burlington, IA 52601	June 9, 1972.
106548	No-Gro Grounds Control Chemicals	Mid Continent Lab. Inc., 10900 Lackman Rd., Lenexa, KS 66219	May 24, 1971.
115245	Polaris	Halbro Control Inc., 2090 Route 10, Farmingdale, NY 11735	May 10, 1973.
419423	Bumper Bag Cattle Duster	AG-Mark, Inc., P.O. Box 127, Teachey, NC 28464	Aug. 21, 1969.

The Agency has agreed that such cancellation shall be effective August 6, 1982, unless within this time the registrant, or other interested person with the concurrence of the registrant, requests that the registration be continued in effect. The registrants were notified by certified mail of this action.

The Agency has determined that the sale and distribution of these products produced on or before the effective date of cancellation may legally continue in

commerce until the supply is exhausted, or for 1 year after the effective date of cancellation, whichever is earlier; provided that the use of these products is consistent with the label and labeling registered with EPA. Furthermore, the sale and use of existing stocks have been determined to be consistent with the purposes of FIFRA as amended. Production of these products as pesticide formulations after the effective

date of cancellation will be considered to be a violation of the Act.

Requests that the registration of these products be continued, may be submitted in triplicate to the Process Coordination Branch, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

Comments may be filed regarding this notice. Written comments should bear a

notation indicating the document control number "[OPP-66093]" and the specific registration number. Any comments filed regarding this notice will be available for public inspection in the Document Control Office, Room E-107, at the above address from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 6(a)(1) of FIFRA as amended 86 Stat. 973 89 Stat. (751, 7 U.S.C. 136j))

Dated: June 24, 1982.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

[FR Doc. 82-18308 Filed 7-6-82; 8:45 am]

BILLING CODE 6560-50-M

[PP 1G2441/T379; PH-FRL 2145-1]

American Hoechst Corp.; Extension of Temporary Tolerance

Correction

In FR Doc. 82-15947, appearing on page 26020 in the issue of Wednesday, June 16, 1982, the authority cite at the bottom of column three should have read, "(Sec. 408(j), 68 Stat. 516 [21 U.S.C. 346a(j)])".

BILLING CODE 1505-01-M

FEDERAL MARITIME COMMISSION

Certificate of Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages No. C-1,229.

Schiffahrtsgesellschaft MS FRANKFURT GmbH & Co. and Peter Dielmann-Reederei c/o Peter Deilmann-Reederei AM Hafensteig 19 2430 Neustadt in Holstein West Germany

Order of Revocation

Schiffahrtsgesellschaft MS FRANKFURT GmbH & Co. and Peter Dielmann-Reederei have ceased to operate the passenger vessel REGINA MARIS to and from United States ports.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Order, Commission Order No. 1 (Revised) § 10.06 dated November 12, 1981;

It is ordered, that Certificate (Casualty) No. C-1,229 issued to Schiffahrtsgesellschaft MS FRANKFURT GmbH & Co. and Peter Deilmann-Reederei covering the REGINA MARIS, be and is hereby revoked effective June 30, 1982.

It is further ordered, that a copy of this Order be published in the Federal Register and served on the Certificants.

Albert J. Klingel, Jr.,

Director, Bureau of Certification & Licensing.

[FR Doc. 82-18314 Filed 7-6-82; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL TRADE COMMISSION

Early Termination of the Waiting Period of the Premerger Notification Rules; Mesa Petroleum Co.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Mesa Petroleum Company is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of all voting securities of Cities Service Company. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Mesa Petroleum Company. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: June 16, 1982.

FOR FURTHER INFORMATION CONTACT:

Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the Federal Register.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 82-18415 Filed 7-6-82; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules; ClevePak Corp.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: ClevePak Corporation is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of Torin Corporation. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by the ClevePak Corporation. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: June 21, 1982.

FOR FURTHER INFORMATION CONTACT:

Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the Federal Register.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 82-18414 Filed 7-6-82; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules; Cities Service Co.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Cities Service Company is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of all voting securities of Mesa Petroleum Company.

The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: June 16, 1982.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the *Federal Register*.

By direction of the Commission.

Carol M. Thomas,
Secretary.

[FR Doc. 82-18413 Filed 7-6-82; 8:45 am]
BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules; Alan Guerrieri

AGENCY: Federal Trade Commission.
ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Alan Guerrieri is granted early termination of the waiting period provided by law and the premerger notification rule with respect to the proposed acquisition of all voting securities of Mid-State Farms Cooperative Company. The grant as made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Alan Guerrieri. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: June 11, 1982.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the *Federal Register*.

By direction of the Commission.

Carol M. Thomas,
Secretary.

[FR Doc. 82-18412 Filed 7-6-82; 8:45 am]
BILLING CODE 6750-01-M

GENERAL SERVICES ADMINISTRATION

Architect-Engineer and Related Services Questionnaire (GSA Form 254) and Architect-Engineer and Related Services Questionnaire for Specific Project (GSA Form 255)

AGENCY: General Services Administration.

ACTION: Notice of information collections; extensions.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the General Services Administration plans to request the Office of Management and Budget to review and approve requests for clearance extension of two information collection requirements.

DATES: Comments on these information collections must be submitted on or before July 15, 1982.

ADDRESSES: Send comments to Franklin S. Reeder, OMB Desk Officer, Room 3208, NEOB, Washington, DC 20503, and to Anthony Artigliere, GSA Clearance Officer, General Services Administration (ORAI), Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Anthony Artigliere, Acting Chief, Directives, Reports, and Publications Branch (202-566-0666).

SUPPLEMENTARY INFORMATION: The data from these information collections is used by Federal agencies in selecting architectural/engineering firms to do work for the Government. Copies of the information collection proposals may be obtained from the Directives, Reports, and Publications Branch (ORAI), Room 3011, GS Building, Washington, DC 20405, telephone 566-1164.

Dated: June 28, 1982.

Clarence A. Lee, Jr.,
Director of Administrative Services.

[FR Doc. 82-18351 Filed 7-6-82; 8:45 am]
BILLING CODE 6820-34-M

Contractor's Request for Progress Payment (Standard Form 1443)

AGENCY: General Services Administration.

ACTION: Notice of information collection.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the General Services Administration plans to request the Office of Management and Budget to review and approve a new information collection requirement.

DATES: Comments on this information collection must be submitted on or before July 15, 1982.

ADDRESSES: Send comments to Franklin S. Reeder, OMB Desk Officer, Room 3208, NEOB, Washington, DC 20503, and to Anthony Artigliere, GSA Clearance Officer, General Services Administration (ORAI), Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Anthony Artigliere, Acting Chief, Directives, Reports, and Publications Branch (202-566-0666).

SUPPLEMENTARY INFORMATION:

a. Standard Form 1443 is being developed for use by civilian agencies in obtaining the necessary information from contractors requesting progress payments to determine contractors' entitlement to payment. This form replaces the obsolete format currently illustrated in FPR 1-30.529.

b. A copy of the information collection proposal may be obtained from the Directives, Reports, and Publications Branch (ORAI), Room 3011, GS Building, Washington, DC 20405, telephone 566-1164.

Dated: June 28, 1982.

Clarence A. Lee, Jr.,
Director of Administrative Services.

[FR Doc. 82-18349 Filed 7-6-82; 8:45 am]
BILLING CODE 6820-34-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources Administration

National Advisory Council on Health Professions Education; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act

(Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of August 1982:

Name: National Advisory Council on Health Professions Education

Date and Time: August 2-3, 1982, 9:00 a.m.-5:30 p.m.

Place: Conference Room 8, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20206
Open on August 2, 1982, 9:00 a.m. to 5:30 p.m.
Closed for remainder of meeting

Purpose: The Council advises the Secretary with respect to the administration of programs of financial assistance for the health professions and makes recommendations based on its review of applications requesting such assistance. This also involves advice in the preparation of regulations with respect to policy matters.

Agenda: The open portion of the meeting will cover: welcome and opening remarks; report of the Acting Administrator; budget update; report on Basic Educational Opportunity Grants, and future agenda items. The meeting will be closed to the public August 3, 1982, from 9:00 a.m. to 5:30 p.m., for the review of grant applications for the Area Health Education Centers and Construction Program. The closing is in accordance with the provision set forth in section 552b(c)(6), Title 5 U.S. Code, and the Determination to close a portion of this meeting of the Council signed by the Acting Administrator, Health Resources Administration, pursuant to section 10(d) of Pub. L. 92-463, and Departmental regulation 45 CFR 11.5(a)(8).

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should write to or contact MR. ROBERT L. BELSLEY, Executive Secretary, National Advisory Council on Health Professions Education, Bureau of Health Professions, Health Resources Administration, Room 4-27, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone (301) 436-8564.

Agenda items are subject to change as priorities dictate.

Dated: June 29, 1982.

Jackie E. Nylan,

Advisory Committee Management Officer,
Health Resources Administration.

[FR Doc. 82-18341 Filed 7-6-82; 8:45 am]

BILLING CODE 4160-15-M

Office of Human Development Services

Federal Council on the Aging; Meeting

AGENCY: Federal Council on the Aging, Office of Human Development Services, HHS.

TIME AND DATE: Meeting begins at 9:00 a.m. on Wednesday, July 21, 1982 and ends at 3:00 p.m. on Thursday, July 22, 1982.

PLACE: Rooms 403-425A, Hubert H. Humphrey Building, 200 Independence Avenue, SW, Washington, DC 20201.

STATUS: Meeting is open to the public.

CONTACT PERSON: Rita Lowry, Rm 305F, HHH Bldg, 245-7458.

The Federal Council on the Aging was established by the 1973 Amendments to the Older Americans Act of 1965 (Pub. L. 93-29, 42 U.S.C. 3015) for the purpose of advising the President, the Secretary of Health and Human Services, the Commissioner on Aging and the Congress on matters relating to the special needs of older Americans.

Notice is hereby given pursuant to the Federal Advisory Committee Act (Pub. L. 92-453, 5 U.S.C. App. 1, Sec. 10, 1976) that the Council will hold a meeting July 21-22, 1982 from 9:00 a.m. to 5:00 p.m. and from 9:00 a.m. to 3:00 p.m. respectively in Rooms 403-425A, HHS Hubert H. Humphrey Building, 200 Independence Avenue, SW, Washington, DC 20201.

The agenda will consist of discussions on: the older worker and employment; neighborhoods as a planning and delivery base for services to the elderly; and current Congressional activities concerning the elderly. A substantial amount of time will be devoted to the development of various committees.

Dated: June 29, 1982.

Adelaide Attard,

Chairperson, Federal Council on the Aging.

[FR Doc. 82-18363 Filed 7-6-82; 8:45 am]

BILLING CODE 4130-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing, Federal Housing Commissioner

[Docket No. N-82-1137]

Manufactured Home Construction and Safety Standards

AGENCY: Office of Assistant Secretary for Housing, Federal Housing Commissioner, HUD.

ACTION: Request for responses to develop and maintain voluntary consensus standards for residential manufactured buildings.

SUMMARY: The Department, in keeping with Federal Government policy to rely on voluntary standards whenever feasible, is interested in working with voluntary standards bodies in developing and adopting voluntary standards for use as the Federal Manufactured Home Construction and Safety Standards. The Department has

already received inquiries and proposals from some voluntary standards bodies who wish to participate in the development and maintenance of a manufactured home standard. It is the Department's intent to select a voluntary standards body to assist the Department in this effort. Organizations which are interested in participating in the development and maintenance of the standards are urged to advise the Department of their qualifications and experience in developing or establishing voluntary standards.

DATE: Organizations wishing to submit responses must do so on or before July 31, 1982.

ADDRESS: Comments may be sent to the Rules Docket Clerk, Office of the General Counsel, Room 10278, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410. Communications should refer to the above docket number and title.

FOR FURTHER INFORMATION CONTACT: Mr. James C. McCollom, Acting Director, Manufactured Housing Standards Division, Room 3236, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410, telephone (202) 755-5210. This is not a toll-free number.

SUPPLEMENTARY INFORMATION:

Background

OMB Circular A-119, "Federal Participation in the Development and Use of Voluntary Standards," encourages Federal agencies involved in regulatory activities to rely on voluntary standards and to participate in voluntary standards bodies when such activities are in the public interest and are compatible with the agencies' mission and authority. The U.S. Department of Housing and Urban Development (HUD) is re-examining all of its building regulatory activities, including manufactured housing, applicable conventional site-built housing, and industrialized housing. Regarding the last two categories, the Department has already initiated plans to adopt the voluntary one- and two-family building code sponsored by the Council of American Building Officials rather than relying upon HUD's "Minimum Property Standards" (MPS), as has been the requirement.

The Secretary of HUD is required by law to establish mandatory and preemptive Federal standards regulating the construction and safety of all residential manufactured homes. In response to the National Manufactured Housing Construction and Safety

Standards Act of 1974, as amended, 42 U.S.C. 5401, *et seq.* (hereinafter the "Act"), the present Standards were developed and promulgated in 1976 by HUD's professional staff.

In response to the OMB Circular noted earlier, the Department now wishes to utilize voluntary standards bodies in developing, revising, and maintaining manufactured housing construction and safety standards. This approach should not be difficult since a large part of the present Federal Manufactured Housing Construction and Safety Standards (FMHCSS) were adopted from voluntary standards developed through the voluntary consensus process.

During the period 1976 to 1981 the HUD staff has conducted an extensive research program to provide answers to questions relating to the safety, durability, and thermal energy performance of manufactured housing. In addition, statistics and information were collected from consumers and technical organizations relating to the adequacy of these Standards. As a result of this effort, the present Standards are being revised. The Department plans to publish the proposed revision in mid-1982 in order to obtain public comment and to conduct an economic cost-benefit analysis. After proceeding to rulemaking, the Department intends to consider undertaking an orderly shift to the development and maintenance of manufactured home construction and safety standards by a suitable voluntary standards making organization. It should be emphasized that HUD will not relinquish its responsibility and authority under the Act to establish and enforce reasonable standards relating to safety, quality and durability and will adopt only those standards that are appropriate. Moreover, the Department will retain the responsibility and authority for reviewing, adopting and promulgating any standards developed by voluntary standards organizations.

Objectives: (1) To assure that there is a private organization which is qualified, interested and capable of developing and maintaining such standards on a continuous basis.

(2) To rely on voluntary standards which can meet the intent of the Act.

(3) To adopt such standards, by reference, as the National Manufactured Home Construction and Safety Standards, either in whole or in part, and to enforce them in accordance with the requirements of the Act.

Responses: The respondents are requested to fully describe how they would accomplish the development and maintenance of voluntary standards pertaining to the construction and safety

of manufactured housing, covering the following areas:

1. Capabilities of the proposed technical committees to deal with each of the following disciplines: structural, fire safety, thermal envelope, plumbing, heating-ventilating-cooling, electrical, indoor air quality, and transportation.

2. Define how the issues of safety, durability and quality would be treated in response to the requirements of the Act. Define how the issue of thermal energy performance would be treated.

3. Identify the methodology to be used in developing new standards, updating current ones, cancelling or withdrawing existing standards. Include in your statement the frequency that such committee actions would occur.

4. State your proposed procedures to be used to balance the views of divergent interest groups (manufacturers and suppliers, consumers, and state and local regulatory officials).

5. Identify the administrative, procedural and policy processes to be used for managing and coordinating the organization, selection of staff members, selection of committee members, voting, processing of the proposed changes to the Standards.

In reviewing the responses, the Department will consider the demonstrated knowledge, experience, and qualifications of the respondent in the following areas:

(1) Building regulations and standards, their function, development and scope;

(2) Responsibility for the development, review, approval and publication of voluntary standards relating to building codes and standards;

(3) Responsibility for organizing and coordinating the efforts of technical committee that develop structural, fire safety, energy, mechanical and electrical standards pertaining to residential buildings;

(4) Qualifications, time-commitments and assignments of managerial and technical personnel (including committee and sub-committee chairpersons).

Organizations which are interested in participating in the development and maintenance of the standards are requested to advise the Department, by July 31, 1982, of their qualifications and experience in developing voluntary standards.

(Sec. 604 of the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5424)

Dated: June 29, 1982.

Philip Abrams,
General Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner.

[FR Doc. 82-18315 Filed 7-6-82; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. 1-04218]

Idaho; Partial Termination of Proposal Withdrawal and Reservation of Lands

Correction

In FR Doc. 82-14102, published at page 22418, on Monday, May 24, 1982, on page 22419, in the first column, in the eleventh line from the top "T.36N., R.6E.," should be corrected to read "T.36N., R.7E.,"

BILLING CODE 1505-01-M

[A-17797]

Arizona; Airport Lease Application

June 29, 1982.

Notice is hereby given that pursuant to the Act of May 24, 1928 (49 U.S.C. 211-214), the Town of Duncan, Arizona, has applied for an airport lease for the following land:

Gila and Salt River Meridian, Arizona

T. 8 S., R. 31 E.,
Sec. 35 E 1/2 E 1/2.

Containing 160.00 acres.

The purpose of this notice is to inform the public that the filing of this application segregates the described land from all other forms of use or disposal under the public land laws.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Safford District Office, Bureau of Land Management, 425 East Fourth Street, Safford, Arizona 85546.

Mario L. Lopez,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82-18346 Filed 7-6-82; 8:45 am]

BILLING CODE 4310-84-M

Colorado; Oil Shale Industry To Participate in Environmental Impact Statement Process

AGENCY: Bureau of Land Management, Interior.

ACTION: This serves as public notice of the intent to initiate an environmental impact statement (EIS), based upon a

request for the purchases of public lands and a right-of-way for ancillary facilities for oil shale development on private lands in Garfield County, Colorado. Concurrently, the Bureau is requesting that other interested parties with similar and timely requirements within the same area, submit information on potential Federal land authorizations associated with private oil shale development. Depending on the responses, a combined EIS effort may be justified to more efficiently process these requests.

SUMMARY: The Bureau of Land Management (BLM) has received a request for an exchange or purchase of public lands for spent shale disposal, and for right-of-way over public lands to facilitate oil shale development on private land in Garfield County, Colorado. This initial request will result in the preparation of an EIS.

In order to comply with the National Environmental Policy Act (NEPA) in an effective manner, the BLM proposes to combine this EIS if sufficient interest is shown, jointly with other potentially interested parties who may need Federal land authorizations associated with private oil shale development.

Examples of these types of requirements are rights-of-way for pipelines, transmission lines, water developments, etc. This approach, if deemed appropriate, will expedite the processing of applications for all projects included in the EIS, provide an early assessment of projects which are still in planning and design phases and provide a cumulative analysis of potential impacts. Such a procedure will limit the need for many concurrent or consecutive EISs and reduce costs in time and money. The BLM's goal is to complete the EIS process by mid-1984.

This notice is to provide interested parties the opportunity to participate in this program. We are interested in two types of responses. First, site specific proposals with sufficient detailed information available to meet NEPA and right-of-way processing requirements. Second, projects which are planned but for which no detailed information is presently available. For this latter group, supplemental environmental analysis may be required when detailed project plans are finalized.

Those interested in participating in the EIS should send a letter of intent by July 26, 1982, to: David A. Jones, Grand Junction District Manager, Bureau of Land Management, 764 Horizon Drive, Grand Junction, Colorado 81501.

Those responding to this notice are asked to provide a project description and status report. The BLM will require

interested parties to submit design and environmental data, project plans and/or preliminary applications, and a commitment of funds by August 23, 1982, for those projects at the detailed site specific level.

Dated: June 30, 1982.

Robert E. Leopold,
State Director.

[FR Doc. 82-18328 Filed 7-6-82; 8:45 am]
BILLING CODE 4310-64-M

[C-35774]

Colorado; Proposed Classification of Public Lands for State Indemnity Selection

1. The Colorado State Board of Land Commissioners has filed a petition for classification and application to acquire the public lands described in paragraph 5 below, under the provisions of sections 2275 and 2276 of the Revised Statutes, as amended (43 U.S.C. 851, 852), in lieu of certain school lands granted to the State under section 7 of the Act of March 3, 1875 (18 Stat. 475) that were encumbered by other rights or reservations before the State's title could attach. This application has been assigned Serial Number Colorado 35774.

2. The Bureau of Land Management will examine these lands for evidence of prior valid rights or other statutory constraints that would bar transfer. The lands found suitable for transfer will be held to be classified 60 days from date of publication of this notice in the Federal Register. Classification is pursuant to Title 43 Code of Federal Regulations, Subpart 2400 and section 7 of the act of June 8, 1934 (48 Stat. 1272), as amended (43 U.S.C. 315f).

3. Information concerning these lands and the proposed transfer to the State of Colorado may be obtained from the Bureau of Land Management District Managers for the respective parcels, as follows:

Parcels 1, 2, 3, 4, 5, 6, and 7: District Manager, Craig District, 455 Emerson Street, P.O. Box 248, Craig, Colorado 81626, Phone 824-8261

Parcels 8, 9, 12, 13, 14, and 15: District Manager, Grand Junction District, 764 Horizon Drive, Grand Junction, Colorado 81501, Phone 243-8552

Parcels 10 and 11: District Manager, Montrose District, 2465 South Townsend, P.O. Box 1269, Montrose, Colorado 81402, Phone 249-7791.

4. For a period of 60 days from the date of publication of this notice in the Federal Register, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present

their views in writing to the District Managers listed above for the respective parcels.

Any adverse comments will be evaluated by the BLM Colorado State Director who will issue a notice of determination to proceed with, modify, or cancel the action. In the absence of any action by the State Director, this classification will become the final determination of the Secretary. As provided by Title 43 Code of Federal Regulations, Subpart 2462.1, a public hearing will be scheduled by the District Manager if he determines that sufficient public interest exists to warrant the time and expense of a hearing.

5. The lands included in this proposed classification are in Grand, Rio Blanco, Garfield, Hinsdale, LaPlata and Mesa Counties and are described below. Following each parcel are names of holders of leases, permits, and/or rights-of-way, followed by the identifying number of each use authorization. Other known encumbrances on the land are also listed.

Sixth Principal Meridian

Parcel 1: T. 1 N., R. 76 W.,
Sec. 7, NW $\frac{1}{4}$ NE $\frac{1}{4}$.

Right-of-way

Mountain Parks Electric, Inc., Box 66,
Granby, CO 80466—C-33748

Oil and Gas Lease

Michigan-Wisconsin Pipeline Co., 5075
Westheimer S. 1100, Houston, Texas
77056—C-17234

Great Eastern Energy and Development
Corp., 701 East Byrd Street, Richmond,
Virginia 23219—C-17234

Mining claim locations

Rampart Exploration Co., 40 Inverness
Drive East, Englewood, CO 80110—
CMC-14635, et seq.

Range Improvement

Fence No. 1304

Parcel 2: T. 1 N., R. 76 W.,
Sec. 7, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 8, W $\frac{1}{2}$ NW $\frac{1}{4}$.

Rights-of-Way

Mountain Parks Electric, Inc., Box 66,
Granby, CO 80446 C-978, C-18085, D-
052472

Colorado Department of Highways, 4201
East Arkansas Ave., Denver, CO 80222—
C-0107366

Recreation and Public Purposes Lease

Board of County Commissioners, Grand
County, Hot Sulphur Springs, CO 80451—
C-8483

Mining Claim locations

Rampart Exploration Co., 40 Inverness
Drive East,
Englewood, CO 80110—CMC-142635, et
seq.

Grazing Permit

William Linke, Box 33, Granby, CO 80446
William Gettle, Jr., and Associates, Box 1,
Val Moritz, CO 80446

Range Improvement

Fence No. 1304

- Parcel 3: T. 1 N., R. 76 W.,
Sec. 7, Lot, SE $\frac{1}{2}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 18, Lots 1 and 2, NW $\frac{1}{4}$ NE $\frac{1}{4}$, and
NE $\frac{1}{4}$ NW $\frac{1}{4}$.
- Rights-of-Way
Mountain Parks Electric, Inc., Box 66,
Granby, CO 80446 C-978.
Colorado Department of Highways, 4201
East Arkansas Ave., Denver, CO 80222—
C-0107366
- Oil and Gas Leases
Michigan-Wisconsin Pipeline Co., 5075
Westheimer S. 1100, Houston, TX
77001—C-23159, C-17234
- Great Eastern Energy and Development
Corporation, 701 East Byrd Street,
Richmond, Virginia 23219—C-17234
- Mining Claim locations
Rampart Exploration Co., 40 Inverness
Drive East, Englewood, CO 80110—CMC
142635, et. seq.
- Grazing Permit
William Linke, Box 33, Granby, CO 80446
- Parcel 4: T. 1 N., R. 80 W.,
Sec. 9, N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$.
- Rights-of-Way
Mountain Parks Electric, Inc., Box 66,
Granby, CO 80446—C-22250, C-29658
Town of Kremmling, Kremmling, CO
80459—C-20515
Western Area Power Administration, P.O.
Box 11606, Salt Lake City, UT 84147—D-
051744
Mountain Bell, Inc., Room 1130-2, 1005,
17th Street, Denver, CO 80202—C-22642,
C-22642A, C-29422
Western Slope Gas Co., P.O. Box 840,
Denver, CO 80201—C-23293
- Recreation and Public Purpose Lease
Board of County Commissioners, Granby,
CO 80446—C-14445
- Oil and Gas Lease
Paul R. Polak, 5987 Miller Street, Arvada,
CO 8004—C-30517
- Grazing Permit
Lucille Wall, Kremmling, CO 80459
- Range Improvement
Roads, No's. 3676 and 3677
Fence No. 3854
Reservoir No. 3812
Sagebrush Spraying No. 3717
Stockwater tap and pipeline No. 4613
- Withdrawals
Bureau of Land Management—Public
Water Reserve—C-17322
- Parcel 5: T. 1 N., R. 80 W.,
Sec. 15, Lots 1, 2, 3, N $\frac{1}{2}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$ NW $\frac{1}{4}$.
- Rights-of-Way
Colorado Department of Highways, 4201
East Arkansas Ave., Denver, CO 80222—
C-019224
Mountain Parks Electric, Inc., Box 66,
Granby CO 80446—C-13113, C-12512, C-
22250
Denver and Rio Grande Western Railroad,
P.O. Box 5482, Denver, CO 80201—C-
093741
- Oil and Gas Lease
Paul R. Polak, 5987 Miller Street, Arvada,
CO 8004 C-30517
Connie Mull, Box 963, Denver, CO 80201—
C-30861
- Grazing Permit
Grady Culbreth, Blue River Route,
Kremmling, CO 80459
- Range Improvement
Road No. 3677
Sagebrush Spraying No. 1471
Other 434
- Parcel 6: T. 1 N., R. 101 W.,
Sec. 4, NE $\frac{1}{4}$, and S $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 5, Lot 5, SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$,
W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$,
SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.
- T. 2 N., R., 101 W.,
Sec. 33, Lots 14 and 15.
- Rights-of-Way
Colorado Department of Highways, 4201
East Arkansas Ave., Denver, CO 80222—
D-056626
Board of County Commissioners, Rio
Blanco County, Box 1047 Meeker, CO
81641—C-19630, C-23560
Northwest Pipeline Cor., P.O. Box 1526, Salt
Lake City, UT 84110—C-053774, C-
011243, C-011409
Moon Lake Electric Association, Inc., 495
East Main, Vernal, Utah 84708—C-
059394, C-090815, C-0128430
- Oil and Gas Leases
Delaney Petroleum Corp., Sadie Delaney,
Cecille M. Colvin, and W. D. Voit, Box
68, Wildomar, CA 92395—C-4078
Terra Resources, Inc., 1410 4th National
Bank Building, Tulsa, OK 74119—C-0365
Husky Oil Co., 600 South Cherry Street,
Suite 600F, Denver, CO 80222—C-06412
- Withdrawals
Federal Aviation Administration, Air
Navigation Site, Public Land Order 3822
- Grazing Permits
William Barnard, Box 1175, Rangely, CO
81648
George Hefley, 7HI Ranch, Hwy. 64,
Rangely, CO 81648
Gus Halandras, Box 225, Meeker, CO 81641
- Range Improvements
Fence No. 4225
- Parcel 7: T. 1 N., R. 102 W.,
Sec. 2, Lots 10, 17, 18, 19, 20, 21, and 23;
Sec. 3, Lots 10, 11, 12, 13, and 14;
Sec. 4, Lots 13 and 14;
Sec. 9, Lots 1, 2, 5, 6, NE $\frac{1}{4}$ NE $\frac{1}{4}$, and S $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 10, Lots 1, 2, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, and
NW $\frac{1}{4}$;
Sec. 11, Lots 1, 2, 3, 4, and S $\frac{1}{2}$ N $\frac{1}{2}$.
- Rights-of-Way
Western Slope Gas Co., P.O. Box 840,
Denver, CO 80201—C-2446
Town of Rangely, Rangely, CO 81648—C-
26770
Colorado Ute Electric Association, Inc.,
P.O. Box 1149, Montrose, CO 81401—C-
1972, C-18882
Northwest Pipeline Corp., P.O. Box 1526,
Salt Lake City, Utah 84110—C-011243, C-
011409
Moon Lake Electric Association, Inc., 495
East Main, Vernal, Utah 84708—C-
059394, C-090815, C-0128430, C-084045,
C-089547, C-9056
Board of County Commissioners, Rio
Blanco County, Box 1047, Meeker, CO
81641—C-19630
Mountain Bell, Inc., Room 1130-2, 1005 17th
Street, Denver, CO 80201—C-28235, C-
21828, C-21315, C-27739
Rio Blanco Oil Shale Project, 9725 East
Hampden Avenue, Denver, CO 80231—
C-24424
- Grazing Permit
Theos and Sand Ranches, c/o Tom Theos,
Box 477, Meeker, CO 81641
- Oil and Gas Leases
Newton Oil Company, et al., 1410 North
Central Avenue, Phoenix Arizona—C-
034894, D-033804
Phillips Petroleum Company, et al.,
Bartlesville, OK 74004—C-034894, D-
033804
Margaret Smith Troppmann, et al., c/o
Charles S. Hill, 316 Patterson Building,
Denver, CO 80202—D-052318
Coseka Resources, Ltd., 718 17th Street,
Suite 630, Denver, CO 80202—C-30050
Twin Arrow, Inc., P.O. Box 948, Rangely,
CO 81648—C028499B
Three States Oil Co., Suite 218, 10465
Melody Building Northglenn, CO 80234—
D-032682A
AMOCO Production Company, Security
Life Building, Denver, CO 80202—C-
028491
- Known Geologic Structure
Rangely Oil Field
- Parcel 8: T. 6 S., R. 94 W.,
Sec. 29, SW $\frac{1}{4}$ NW $\frac{1}{4}$.
- Rights-of-Way
Public Service Company of Colorado, Box
840, Denver, CO 80201—C-0123828
Colorado Department of Highways, 4201
East Arkansas Ave., Denver, CO 80222—
C-05288 and C-26405
Denver and Rio Grande Western Railroad,
P.O. Box 5482, Denver, CO 80201—C-
093824, D-038231
Mountain Bell, Inc., Room 1130-2, 1005
17th Street, Denver, CO 80201—C-21628
- Withdrawals
Federal Energy Regulatory Commission—
Power Project 1863
- Parcel 9: T. 7 S., R. 95 W.,
Sec. 9, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 10, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 15, W $\frac{1}{2}$ NW $\frac{1}{4}$; NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 16, E $\frac{1}{2}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$.
- Oil and Gas Lease
Oil Participations, Inc., P.O. Box 1521,
Houston, TX 77001—C-01524
- Grazing Permits
E. S. Kennon, 3200 306 Road, Parachute, CO
81635
George Gardner, 1236 302 Road, Parachute,
CO 81635
- Range Improvement
Road No. 7670
- New Mexico Principal Meridian
- Parcel 10: T. 43 N., R. 4 W.,
Sec. 9, Lots 22 and 25;
Sec. 10, Lots 34 and 39.
- Rights-of-Way
Gunnison County Electric Association, Inc.,
P.O. Box 180, Gunnison, CO 81230—C-
021766
Harley and Caryl Rudofsky, c/o Kasic and
Landwehr, P.C., 121 South Taylor, P.O.
Box 628, Gunnison, CO 81230—C-31163
- Mining Claims Locations
Rebecca Jane Kelley, 1801 N. 8th Street,
Grand Junction, CO 81501—CMC 47747
et seq.
- Parcel 11: T. 34 N., R. 9 W.,
Sec. 10, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ N
E $\frac{1}{4}$ NE $\frac{1}{4}$, and S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 11, W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.
- Rights-of-Way

Colorado Department of Highways, 4201
East Arkansas Ave., Denver, CO 80222—
C-02801

Mountain Bell, Inc., Room 1130-2, 1005 17th
Street, Denver, CO 80201—C-21315

Ute Principal Meridian

Parcel 12: T. 1 N., R. 1 E.,
Sec. 32, E $\frac{1}{2}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 33, W $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, and SE $\frac{1}{4}$.

Rights-of-Way

Ute Water Conservancy District, P.O. Box
460, Grand Junction, CO 80203—C-30010

Grand Valley Rural Power Lines, Inc., 2727
Grand Avenue, Grand Junction, CO
81502—C-061164

Oil and Gas Leases

TXO Production Corporation, Fidelity
Union Tower, Dallas, TX 75201—C-15937

M. Peyton Bucy, 1776 Lincoln Street, #811,
Denver, CO 80203—C-17349

Grazing Permit

Bruce Currier, 2760 H Road, Grand
Junction, CO 81501

Carleton Currier, 723 Wedge Drive, Grand
Junction, CO 81501

Range Improvements

Road No. 7419

Parcel 13: T. 2 N., R. 3 W.,

Sec. 30, SW $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 31, NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$,
and SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 32, W $\frac{1}{2}$.

Rights-of-Way

Colorado Department of Highways, 4201
East Arkansas Ave., Denver, CO 80222—
C-9349

Oil and Gas Lease

Gary Western Co., Four Inverness Court
East, Englewood, CO 80110—C-23713

Charles A. Shear, Box 2665, Grand
Junction, CO 81501—C-33744

Grazing Permits

Art Shires, 1854 J2/10 Road, Fruita, CO
81521

A.M. Crews, 2048, J Road, Fruita, CO 81521

Range Improvement

Cattleguard No. 505A

Fences No's. 0767 and 0768

Road No. 7412A

Parcel 14: T. 1 S., R. 1 E.,

Sec. 2, SW $\frac{1}{4}$ NW $\frac{1}{4}$.

Rights-of-Way

Colorado Department of Highways, 4201
East Arkansas Ave., Denver, CO 80222—
C-051671

Oil and Gas Lease

TXO Production Corporation, Fidelity Union
Tower, Dallas, Texas 75201—C-15937

Withdrawals

Bureau of Reclamation, Grand Valley
Project

Parcel 15: T. 1 S., R. 1 E.,

Sec. 25, SE $\frac{1}{4}$;

Sec. 35, E $\frac{1}{2}$;

T. 2 S., R. 1 E.,

Sec. 1, Lots 1, 2, 3, 4, and S $\frac{1}{2}$ NW $\frac{1}{4}$;

Sec. 2, Lots 1, 2, and S $\frac{1}{2}$ NE $\frac{1}{4}$;

T. 1 S., R. 2 E.,

Sec. 19, SE $\frac{1}{4}$;

Sec. 30, Lots 4, E $\frac{1}{2}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and E $\frac{1}{2}$ SW $\frac{1}{4}$;

Sec. 31, Lots 1, 2, 3, 4, and E $\frac{1}{2}$ W $\frac{1}{2}$;

T. 2 S., R. 2 E.,

Sec. 6, Lots 3, 4, 5, and SE $\frac{1}{4}$ NW $\frac{1}{4}$.

Rights-of-Way

Ute Water Conservancy District, P.O. Box
460, Grand Junction, CO 80203—C-
0102696, C-30010

Colorado Ute Electric Association, Inc.,
P.O. Box 1149 Montrose, CO 81401—C-
055993, C-061163

Grand Valley Rural Power Lines, Inc., 2727
Grand Avenue, Grand Junction, CO
81502—C-061164

Recreation and Public Purpose Application

Mesa County Board of County
Commissioners, Mesa County
Courthouse, Grand Junction, CO 81501—
C-26060

Oil and Gas Leases or Applications

Jay Coates, P.O. Box 744, Moab, Utah
84532—C-31199

R.E. Puckett, 215 Security Life Building,
Denver, CO 80202—C-15934

R.C. Atrogge, 608 Midland Savings
Building, Denver, CO 80202—C-15934

Voyager Petroleum, Inc., 8301 East Prentice
Avenue, Englewood, CO 80110—C-17402

Grazing Permits

Joseph and Mozelle Lumbardy, P.O. Box 86,
Whitewater, CO 81527

H. Crafts Black, Whitewater, CO 81527

Midwest Resources, Inc., c/o Lillian
Somerville P.O. Box 36, Whitewater, CO
81527

Range Improvement

Road No. 7364

Withdrawals

Bureau of Reclamation, Whitewater and
Grand Valley Projects

Federal Energy Regulatory Commission—
Power Site Classification No. 392.

6. Rights-of-way granted by the Bureau of Land Management on the above lands will transfer with the land. Oil and gas leases will remain in effect under the terms and conditions of the lease. State law and Board of Land Commissioners procedures provide for the offering to holders of Bureau of Land Management grazing permits, licenses or leases the first right to lease lands that are transferred to the State. This classification notice constitutes official notice to holders of grazing use authorizations from the Bureau of Land Management that such authorizations will be terminated in part upon transfer of the land described above to the State of Colorado.

Harold R. Martin,

Acting State Director.

[FR Doc. 82-18325 Filed 7-6-82; 8:45 am]

BILLING CODE 4310-84-M

Intent To Hold Public Meeting on One Emergency Coal Lease; Application in McKinley County, New Mexico and Request for Information on Fair Market Value

June 28, 1982.

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Meeting and Request for Fair Market Value Information.

SUMMARY: This notice advises the public that the Bureau of Land Management intends to hold a public meeting concerning an application for coal leasing under the "Emergency Leasing" provisions for Carbon Coal Company. The meeting is to provide the opportunity for the public to comment on and discuss the potential effects of mining the proposed lease, including impacts on the environment, other lands uses, other economic activities and community or regional services. This notice also requests comment on the Fair Market Value of the tracts under application.

DATES: The public meeting will be held July 15, 1982. Written comments on Fair Market Value will be received on or before August 6, 1982.

ADDRESS: The public meeting will be at 1:00 p.m. in the Federal Building in Gallup, New Mexico in conference room 2.

SUPPLEMENTARY INFORMATION: The coal application being considered for leasing is as follows: NM-52786 (formerly application NM-36466)

Location: Adjacent to the Mentmore Mine seven miles northwest of Gallup, New Mexico.

Description: T. 15 N., R. 19 W., NMPM.

Section 4, Lots 1 and 2: S1/2NE1/4.

Acres: 160.29.

Estimated Underground Recoverable Reserve: 483,000 tons.

Coal Quality: BTU—10,252 per lb., Sulfur—58%, Ash—12.55%. Seam Thickness—10 seams ranging from 1.3 to 3.3 feet thick. The maximum area underlain by coal is 24.19 acres.

The purpose of the meeting is to obtain public comments on the potential impacts from leasing and subsequent mining of the lands under application. An Environmental Assessment has been prepared by the Bureau of Land Management, Albuquerque District Office. Comments on the EA are due by 30 days from the date of this notice and should be submitted to the Albuquerque District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

The public is also invited to submit written comments concerning the fair market value of the coal resource to the Bureau of Land Management and the Minerals Management Service. Public comments will be utilized in establishing fair market value for the coal resources in the described lands.

Comments should address specific factors related to fair market value including, but not limited to: The quantity and quality of the coal resource, the price that the mined coal

would bring in the marketplace, the cost of producing the coal, the probable timing and rate of production, the interest rate at which anticipated income streams would be discounted, depreciation and other accounting factors, the expected rate of industry return, and the mining method or methods which would achieve maximum economic recovery of the coal. Documentation of similar market transactions, including location, terms, and conditions, may also be submitted at this time.

These comments will be considered in the final determination of fair market value as determined in accordance with 30 CFR 211.63 and 43 CFR 3422.1-2. Should any information submitted as comments be considered to be proprietary by the commentor, the information should be labeled as such and stated in the first page of the submission. Information so marked will not be available to the public if it meets exemptions in the Freedom of Information Act. Comments should be sent to both the New Mexico State Director, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501, and to the Deputy Minerals Manager—Resources Evaluation, Minerals Management Service, 505 Marquette Avenue NW., Suite 815, Mail Stop 500, Albuquerque, New Mexico 87102, to arrive no later than August 6, 1982.

L. Paul Applegate,
District Manager.

[FR Doc. 82-18345 Filed 7-6-82; 8:45 am]
BILLING CODE 4310-84-M

[A-16569; AZ-020-1-135]

Public Lands Exchange; Mohave County, Ariz.

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of Realty Action—Exchange. Public Lands in Mohave County, Arizona.

SUMMARY: The following described lands have been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Gila and Salt River Meridian, Arizona

T. 26 N., R. 16 W.,
Sec. 18: Lots 1 thru 4, E½, E½W½;
Sec. 20: All;
Sec. 28: All;
Sec. 30: Lots 1 thru 4, E½, E½W½.
T. 26 N., R. 17 W.,
Sec. 14: All;
Sec. 16: All;
Sec. 24: All;

Sec. 26: All.
Comprising 5,105.72 acres, more or less.

In exchange for these lands, the Federal government will acquire non-Federal land from Carson Water Company described as follows:

Gila and Salt River Meridian, Arizona

T. 25N., R. 18 W.,
Sec. 1: Lots 1 thru 4, S½N½, S½;
Sec. 3: Lots 1 thru 4, S½N½, S½;
Sec. 11: All;
Sec. 13: All;
Sec. 15: All;
Sec. 23: All;
Sec. 25: All;
Sec. 27: All;
Sec. 35: All.

Comprising 5,761.6 acres, more or less.

The exchange proposal involves only the surface estate of the non-Federal lands to be acquired. The Federal mineral estate, with the exception of oil and gas, will be transferred with the Federal surface. The mineral estate in the Federal land in section 16, T. 26 N., R. 17 W., G&SRM, is owned by the State of Arizona.

The purpose of the exchange is to acquire the non-Federal lands which contain crucial mule deer habitat, important habitat for feral horses, and exhibit outstanding recreation potential within the Mount Tipton area of the Cerbat Mountains. The exchange is consistent with the Bureau's planning system. The public interest will be well served by making the exchange.

The value of the lands and interests to be exchanged is approximately equal. Upon the completion of a final appraisal, acreages may be adjusted or a cash payment made to equalize the value difference. Where a money payment is required to equalize values, the payment shall not exceed 25 percent of the value of the public interests being conveyed.

Lands to be transferred from the United States will be subject to the following reservations, terms and conditions:

1. A right-of-way for ditches and canals constructed by the authority of the United States, pursuant to the Act of August 30, 1980 (26 Stat. 391; 43 U.S.C. 945).
 2. A reservation of all oil and gas to the United States, where said lands are encumbered with oil and gas leases, with the right to prospect for, mine and remove such deposits.
 3. A road easement 50 feet in width for the Stockton Hill Road constructed under the authority of R.S. 2477 as recorded in Mohave County Book 380, Page 874 of Official Records.
- Private lands to be acquired by the United States will be subject to the

following reservations, terms and conditions:

1. All minerals in the subject are reserved to the Santa Fe Pacific Railroad Company.

The publication of this notice in the Federal Register will segregate the public lands described herein to the extent that they will not be subject to appropriation under the public land laws, including the mining laws. As set forth in 43 CFR 2201.1(b), any subsequently tendered application, allowance of which is discretionary, shall not be accepted, shall not be considered as filed and shall be returned to the applicant. This segregative effect shall terminate upon issuance of patent to such lands, upon publication in the Federal Register of a termination of the segregation, or 2 years from date of this publication, whichever occurs first.

SUPPLEMENTARY INFORMATION: Detailed information concerning the exchange, including the environmental analysis and the record of public discussions, is available for review at the Kingman Resource Area Office, 2475 Beverly Avenue, Kingman, Arizona 86401.

On or before August 23, 1982 to the District Manager, Phoenix District Office, 2929 West Clarendon Avenue, Phoenix, Arizona 85017. Any adverse comments may be evaluated by the Arizona State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Dated: June 29, 1982.

W. K. Barker,
District Manager.

[FR Doc. 82-18356 Filed 7-6-82; 8:45 am]
BILLING CODE 4310-84-M

Rock Springs District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Meeting of the Rock Springs District Grazing Advisory Board.

SUMMARY: This notice sets forth the schedule and proposed agenda of a meeting of the Rock Springs District Grazing Advisory Board. Notice of this meeting is required under Pub. L. 92-463.

DATE: August 12, 1982, 9:30 a.m. until 3:30 p.m.

ADDRESS: Hilton Inn, Jim Bridger Room, 2518 Foothill Boulevard, Rock Springs, Wyoming.

FOR FURTHER INFORMATION CONTACT: Donald H. Sweep, District Manager, Rock Springs District, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82901, (307) 382-5350.

SUPPLEMENTARY INFORMATION:

The agenda for the meeting will include:

1. Review and approval of the minutes from the April 29, 1982 meeting.
2. Presentation of the review of Stock Driveway Withdrawals in the District and a recommendation from the Board on their future status.
3. Review and recommendation of the proposed projects to be constructed in Fiscal Year 1983 with Range Betterment (8100) funds.
4. Briefing on a request from the Lincoln County Weed and Pest Control Supervisor to use Range Betterment Funds for these activities.
5. Review of progress of Rangeland Improvement Maintenance Policy.
6. Public comment period.
7. Arrangements for the next meeting.

The meeting is open to the public. Interested persons may make oral statements to the Board between 3:00-3:30 p.m., or file written statements for the Board's consideration. Anyone wishing to make an oral statement should notify the District Manager, Bureau of Land Management, Highway 191 North, P.O. Box 1869, Rock Springs, Wyoming 82901, by August 11, 1982. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

A transcript of the meeting will be maintained in the District Office and be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Jerry K. Ostrom,

Assistant District Manager.

[FR Doc. 82-18347 Filed 7-6-82; 8:45 am]

BILLING CODE 4310-84-M

Minerals Management Service

[Utah No. 7]

Oil Shale Land Classification Order

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of classification of oil shale land in Utah.

SUMMARY: By Executive Order 5327, April 15, 1930, lands containing oil shale deposits owned by the United

States were withdrawn from lease or other disposal and reserved for investigation, examination, and classification. Accordingly, this order classified lands described in Utah prospectively valuable oil shale lands.

FOR FURTHER INFORMATION CONTACT: Mr. Larry H. Godwin, Deputy Minerals Manager, Resource Evaluation—Central Region, Minerals Management Service, Mail Stop 602, Box 25046, Denver, Colorado 80225, telephone (303) 234-4435, FTS 234-4435.

SUPPLEMENTARY INFORMATION: This order is issued under the authority of the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title remains in the United States, are classified as follows:

Oil Shale Land Classification Order Utah No. 7

Uinta Special Meridian

Prospectively Valuable Oil Shale Lands

- T. 1 N., R. 1 E.,
Secs. 1 to 36, inclusive.
- T. 2 N., R. 1 E.,
Secs. 31 to 35, inclusive.
- T. 1 N., R. 2 E.,
Secs. 6 to 9, inclusive, 14 to 23, inclusive and 27 to 34, inclusive.
- T. 1 N., R. 1 W.,
Secs. 1 to 36, inclusive.
- T. 2 N., R. 1 W.,
Secs. 19 and 25 to 36, inclusive.
- T. 1 N., R. 2 W.,
Secs. 1 to 36, inclusive.
- T. 2 N., R. 2 W.,
Secs. 41 to 36, inclusive.
- T. 1 N., R. 3 W.,
Secs. 1 to 36, inclusive.
- T. 2 N., R. 3 W.,
Secs. 13, 14, 15, and 20 to 36, inclusive.
- T. 1 N., R. 4 W.,
Secs. 1, 2, 3, and 8 to 36, inclusive.
- T. 2 N., R. 4 W.,
Secs. 35 and 36.
- T. 1 N., R. 5 W.,
Secs. 13, 14, and 20 to 36, inclusive.
- T. 1 S., R. 1 E.,
Secs. 1 to 36, inclusive.
- T. 2 S., R. 1 E.,
Secs. 1 to 36, inclusive.
- T. 3 S., R. 1 E.,
Secs. 1 to 36, inclusive.
- T. 4 S., R. 1 E.,
Secs. 1 to 30, inclusive, and 32 to 36, inclusive.
- T. 5 S., R. 1 E.,
Secs. 1 and 2.
- T. 1 S., R. 2 E.,
Secs. 3 to 9, inclusive, 16 to 20, inclusive, 30, and 31.
- T. 2 S., R. 2 E.,
Secs. 5 to 8, inclusive, 16 to 21, inclusive, and 28 to 34, inclusive.
- T. 3 S., R. 2 E.,
Secs. 3 to 11, inclusive, and 14 to 36, inclusive.

- T. 4 S., R. 2 E.,
Secs. 1 to 36, inclusive.
- T. 5 S., R. 2 E.,
Secs. 1 to 12, inclusive, 14 to 17, inclusive, 22, and 23.
- T. 4 S., R. 3 E.,
Secs. 6, 7, 17 to 20, inclusive, and 28 to 33, inclusive.
- T. 5 S., R. 3 E.,
Secs. 5 to 8, inclusive.
- T. 1 S., R. 1 W.,
Secs. 1 to 36, inclusive.
- T. 2 S., R. 1 W.,
Secs. 1 to 36, inclusive.
- T. 3 S., R. 1 W.,
Secs. 1 to 36, inclusive.
- T. 4 S., R. 1 W.,
Secs. 1 to 30, inclusive.
- T. 1 S., R. 2 W.,
Secs. 1 to 36, inclusive.
- T. 2 S., R. 2 W.,
Secs. 1 to 36, inclusive.
- T. 3 S., R. 2 W.,
Secs. 1 to 36, inclusive.
- T. 4 S., R. 2 W.,
Secs. 1 to 30, inclusive.
- T. 1 S., R. 3 W.,
Secs. 1 to 36, inclusive.
- T. 2 S., R. 3 W.,
Secs. 1 to 36, inclusive.
- T. 3 S., R. 3 W.,
Secs. 1 to 36, inclusive.
- T. 4 S., R. 3 W.,
Secs. 1 to 36, inclusive.
- T. 5 S., R. 3 W.,
Secs. 2 to 10, inclusive, 15 to 22, inclusive, and 28 to 33, inclusive.
- T. 6 S., R. 3 W.,
Secs. 4 to 9, inclusive, 16 to 21, inclusive, 29, and 30.
- T. 1 S., R. 4 W.,
Secs. 1 to 36, inclusive.
- T. 2 S., R. 4 W.,
Secs. 1 to 36, inclusive.
- T. 3 S., R. 4 W.,
Secs. 1 to 36, inclusive.
- T. 4 S., R. 4 W.,
Secs. 1 to 36, inclusive.
- T. 5 S., R. 4 W.,
Secs. 1 to 36, inclusive.
- T. 6 S., R. 4 W.,
Secs. 1 to 36, inclusive.
- T. 7 S., R. 4 W.,
Secs. 3 to 10, inclusive, and 15 to 18, inclusive.
- T. 1 S., R. 5 W.,
Secs. 1 to 36, inclusive.
- T. 2 S., R. 5 W.,
Secs. 1 to 36, inclusive.
- T. 3 S., R. 5 W.,
Secs. 1 to 36, inclusive.
- T. 4 S., R. 5 W.,
Secs. 1 to 36, inclusive.
- T. 5 S., R. 5 W.,
Secs. 1 to 36, inclusive.
- T. 6 S., R. 5 W.,
Secs. 1 to 36, inclusive.
- T. 7 S., R. 5 W.,
Secs. 1 to 7, inclusive, and 9 to 14, inclusive.
- T. 1 S., R. 6 W.,
Secs. 1 to 5, inclusive, and 7 to 36, inclusive.
- T. 2 S., R. 6 W.,
Secs. 1 to 36, inclusive.

- T. 3 S., R. 6 W.,
Secs. 1 to 36, inclusive.
- T. 4 S., R. 6 W.,
Secs. 1 to 36, inclusive.
- T. 5 S., R. 6 W.,
Secs. 1 to 36, inclusive.
- T. 6 S., R. 6 W.,
Secs. 1 to 36, inclusive.
- T. 7 S., R. 6 W.,
Secs. 1 to 6, inclusive, and 8 to 12, inclusive.
- T. 1 S., R. 7 W.,
Secs. 12, 13, 14, and 20 to 36, inclusive.
- T. 2 S., R. 7 W.,
Secs. 1 to 36, inclusive.
- T. 3 S., R. 7 W.,
Secs. 1 to 36, inclusive.
- T. 4 S., R. 7 W.,
Secs. 1 to 36, inclusive.
- T. 5 S., R. 7 W.,
Secs. 1 to 36, inclusive.
- T. 6 S., R. 7 W.,
Secs. 1 to 36, inclusive.
- T. 7 S., R. 7 W.,
Secs. 1 to 8, inclusive.
- T. 1 S., R. 8 W.,
Secs. 25, 26, 27, 34, 35, and 36.
- T. 2 S., R. 8 W.,
Secs. 1 to 36, inclusive.
- T. 3 S., R. 8 W.,
Secs. 1 to 36, inclusive.
- T. 4 S., R. 8 W.,
Secs. 1 to 36, inclusive.
- T. 5 S., R. 8 W.,
Secs. 1 to 36, inclusive.
- T. 6 S., R. 8 W.,
Secs. 1 to 36, inclusive.
- T. 7 S., R. 8 W.,
Secs. 1 to 12, inclusive, and 15 to 18, inclusive.
- T. 2 S., R. 9 W.,
Secs. 1, 9 to 16, inclusive, and 19 to 36, inclusive.
- T. 3 S., R. 9 W.,
Secs. 1 to 36, inclusive.
- T. 4 S., R. 9 W.,
Secs. 1 to 36, inclusive.
- T. 5 S., R. 9 W.,
Secs. 1 to 36, inclusive.
- T. 6 S., R. 9 W.,
Secs. 1 to 36, inclusive.
- T. 7 S., R. 9 W.,
Secs. 1 to 16, inclusive.
- T. 2 S., R. 10 W.,
Secs. 25, 26, 27, and 33 to 36, inclusive.
- T. 3 S., R. 10 W.,
Secs. 1 to 26, inclusive.
- T. 4 S., R. 10 W.,
Secs. 1 to 36, inclusive.
- T. 5 S., R. 10 W.,
Secs. 1 to 19, inclusive, 21 to 27, inclusive, 30, 34, 35, and 26.
- T. 6 S., R. 10 W.,
Secs. 1, 2, 3, 11 to 14, inclusive, 23 to 26, inclusive, and 36.
- T. 7 S., R. 10 W.,
Sec. 1.
- T. 3 S., R. 11 W.,
Secs. 1 to 36, inclusive.
- T. 4 S., R. 11 W.,
Sec. 1 to 36, inclusive.
- T. 5 S., R. 11 W.,
Secs. 1 to 35, inclusive.
- T. 6 S., R. 11 W.,
Secs. 4, 5, and 6.
- T. 3 S., R. 12 W.,
Secs. 1 to 6, inclusive, 8 to 17, inclusive, 20 to 29, inclusive, and 33 to 36, inclusive.
- T. 4 S., R. 12 W.,
Secs. 1, 2, 3, 10 to 15, inclusive, 22 to 28, inclusive, and 33 to 36, inclusive.
- T. 5 S., R. 12 W.,
Secs. 1 to 4, inclusive, 9 to 16, inclusive, and 21 to 25, inclusive.
- Salt Lake Meridian*
- T. 14 S., R. 1 W.,
Secs. 20, 21, 27, 28, 29, and 31 to 34, inclusive.
- T. 15 S., R. 1 W.,
Secs. 1 to 36, inclusive.
- T. 16 S., R. 1 W.,
Secs. 1 to 36, inclusive.
- T. 17 S., R. 1 W.,
Secs. 1 to 18, inclusive, 20 to 29, inclusive, and 32 to 36, inclusive.
- T. 18 S., R. 1 W.,
Secs. 1 to 5, inclusive, 8 to 17, inclusive, 20 to 29, inclusive, and 32 to 36, inclusive.
- T. 19 S., R. 1 W.,
Secs. 1 to 5, inclusive, 8 to 17, inclusive, 20 to 29, inclusive, and 31 to 36, inclusive.
- T. 20 S., R. 1 W.,
Secs. 1 to 5, inclusive, and 7 to 36, inclusive.
- T. 21 S., R. 1 W.,
Secs. 1 to 24, inclusive, and 26 to 33, inclusive.
- T. 22 S., R. 1 W.,
Secs. 6 and 36.
- T. 15 S., R. 1 W.,
Secs. 11 to 14, inclusive, 25, 26, 35, and 36.
- T. 20 S., R. 1 W.,
Secs. 25 and 36.
- T. 20 S., R. 2 W.,
Secs. 35 and 36.
- T. 21 S., R. 2 W.,
Secs. 1 to 5, inclusive, 8 to 17, inclusive, 20 to 29, inclusive, and 32 to 36, inclusive.
- T. 22 S., R. 2 W.,
Secs. 1 to 5, inclusive, 9, 10, 11, 14, 15, 16, 22, and 27 to 33, inclusive.
- T. 23 S., R. 2 W.,
Secs. 4 to 8, inclusive, 18, and 19.
- T. 23 S., R. 3 W.,
Secs. 2, 10, 13, 14, 15, 21 to 29, inclusive, and 32 to 35, inclusive.
- T. 15 S., R. 1 E.,
Secs. 7, 18, 24, 25, 31, 32, 33, and 36.
- T. 16 S., R. 1 E.,
Secs. 1, and 3 to 36, inclusive.
- T. 17 S., R. 1 E.,
Secs. 1 to 11, inclusive, and 14 to 36, inclusive.
- T. 18 S., R. 1 E.,
Secs. 1 to 23, inclusive, and 26 to 35, inclusive.
- T. 19 S., R. 1 E.,
Secs. 2 to 11, inclusive, 14 to 23, inclusive, and 26 to 35, inclusive.
- T. 20 S., R. 1 E.,
Secs. 2 to 11, inclusive, 14 to 23, inclusive, 26 to 34, inclusive, and 36.
- T. 21 S., R. 1 W.,
Secs. 1, 4 to 9, inclusive, 11 to 14, inclusive, 17, 18, 19, 22 to 28, inclusive, and 32 to 35, inclusive.
- T. 22 S., R. 1 E.,
Secs. 2 to 5, inclusive, 8 to 11, inclusive, 14 to 17, inclusive, and 19 to 36, inclusive.
- T. 23 S., R. 1 E.,
Secs. 1 to 18, inclusive, 20 to 29, inclusive, and 32 to 36, inclusive.
- T. 24 S., R. 1 E.,
Secs. 1 to 4, inclusive, 9 to 16, inclusive, and 21 to 24, inclusive.
- T. 15 S., R. 2 E.,
Secs. 29 to 33, inclusive.
- T. 16 S., R. 2 E.,
Secs. 5 to 8, inclusive, 17 to 20, inclusive, 24, 25, 29 to 32, inclusive, 35, and 36.
- T. 17 S., R. 2 E.,
Secs. 1, 2, 3, 5, 6, 10 to 15, inclusive, 19, 22, to 27, inclusive, 30, 31, 34, 35, and 36.
- T. 18 S., R. 2 E.,
Secs. 1, 2, 3, 5, 6, 7, 10, 11, 12, 15, 21, 22, 27, 28, 33 and 34.
- T. 19 S., R. 2 E.,
Secs. 4, 5, 8, 10 to 11, inclusive, 14 to 17, inclusive, 20 to 23, inclusive, 26 to 29, inclusive, 32, 33, and 34.
- T. 20 S., R. 2 E.,
Secs. 3, 4, 5, 8, 9, 16 to 21, inclusive, and 28 to 33, inclusive.
- T. 21 S., R. 2 E.,
Secs. 5 to 8, inclusive, 17, 18, and 19.
- T. 23 S., R. 2 E.,
Secs. 6, 7, 18, 19, 30, and 31.
- T. 24 S., R. 2 E.,
Secs. 6, 7, and 17 to 20, inclusive.
- T. 12 S., R. 3 E.,
Secs. 24, 25, and 36.
- T. 13 S., R. 3 E.,
Secs. 1 to 5, inclusive, 8 to 17, inclusive, 22 to 27, inclusive, 34, 35, and 36.
- T. 14 S., R. 3 E.,
Secs. 1, 2, 3, 9 to 16, inclusive, 21 to 28, inclusive, and 33 to 36, inclusive.
- T. 15 S., R. 3 E.,
Secs. 1 to 4, inclusive, 9 to 16, inclusive, 21 to 29, inclusive, and 32 to 36, inclusive.
- T. 16 S., R. 3 E.,
Secs. 1 to 5, inclusive, and 7 to 36, inclusive.
- T. 17 S., R. 3 E.,
Secs. 2 to 10, inclusive, 15 to 22, inclusive, and 28 to 33, inclusive.
- T. 18 S., R. 3 E.,
Secs. 5 to 8, inclusive.
- T. 8 S., R. 4 E.,
Secs. 25 and 36.
- T. 9 S., R. 4 E.,
Secs. 1 to 4, inclusive, 9 to 13, inclusive, and 21 to 28, inclusive.
- T. 10 S., R. 4 E.,
Secs. 15, 16, 17, 20, 21, 22, 27, 28, 29, and 36.
- T. 11 S., R. 4 E.,
Secs. 1, 12, and 13.
- T. 12 S., R. 4 E.,
Secs. 9, 12, 13, 14, and 16 to 35, inclusive.
- T. 13 S., R. 4 E.,
Secs. 2 to 11, inclusive, 14 to 23, inclusive, and 25 to 36, inclusive.
- T. 14 S., R. 4 E.,
Secs. 1 to 35, inclusive.
- T. 15 S., R. 4 E.,
Secs. 2 to 11, inclusive, 15 to 22, inclusive, and 28 to 32, inclusive.
- T. 16 S., R. 4 E.,
Secs. 6, 7, and 18.
- T. 7 S., R. 5 E.,
Secs. 1, 2, 10 to 16, inclusive, 20 to 31, inclusive, and 33 to 36, inclusive.
- T. 8 S., R. 5 E.,
Secs. 1, 2, 4, 8, 9, 12, 13, 16 to 20, inclusive, 30, and 31.
- T. 9 S., R. 5 E.,

- Secs. 11 to 15, inclusive, 21 to 29, inclusive, and 32 to 36, inclusive.
- T. 10 S., R. 5 E.,
Secs. 1 to 24, inclusive, and 28 to 32, inclusive.
- T. 11 S., R. 5 E.,
Secs. 6 and 7.
- T. 14 S., R. 5 E.,
Secs. 18 and 19.
- T. 7 S., R. 6 E.,
Secs. 4 to 9, inclusive, 16 to 22, inclusive, and 26 to 35, inclusive.
- T. 8 S., R. 6 E.,
Secs. 2 to 11, inclusive, 14 to 23, inclusive, and 26 to 35, inclusive.
- T. 9 S., R. 6 E.,
Secs. 3 to 9, inclusive, and 11 to 36, inclusive.
- T. 10 S., R. 6 E.,
Secs. 1 to 27, inclusive, and 30.
- T. 9 S., R. 7 E.,
Secs. 19, 24, 25, 26, and 30 to 36, inclusive.
- T. 10 S., R. 7 E.,
Secs. 1 to 11, inclusive, 13 to 22, inclusive, and 24.
- T. 9 S., R. 8 E.,
Secs. 15, 16, 17, 19 to 23, inclusive, and 26 to 35, inclusive.
- T. 10 S., R. 8 E.,
Secs. 2 to 29, inclusive, and 32 to 36, inclusive.
- T. 11 S., R. 8 E.,
Secs. 1 to 4, inclusive, and 9 to 14, inclusive.
- T. 10 S., R. 9 E.,
Sec. 31.
- T. 11 S., R. 9 E.,
Secs. 3 to 28, inclusive.
- T. 11 S., R. 10 E.,
Secs. 1, and 7 to 36, inclusive.
- T. 10 S., R. 11 E.,
Secs. 34, 35, and 36.
- T. 11 S., R. 11 E.,
Secs. 1 to 36, inclusive.
- T. 12 S., R. 11 E.,
Secs. 1 to 4, inclusive, 11, 12, and 13.
- T. 10 S., R. 12 E.,
Secs. 31 and 32.
- T. 11 S., R. 12 E.,
Secs. 1 to 36, inclusive.
- T. 12 S., R. 12 E.,
Secs. 1 to 24, inclusive.
- T. 10 S., R. 13 E.,
Secs. 31 and 34.
- T. 11 S., R. 13 E.,
Secs. 1 to 36, inclusive.
- T. 12 S., R. 13 E.,
Secs. 1 to 30, inclusive, and 32 to 36, inclusive.
- T. 13 S., R. 13 E.,
Secs. 1 to 4, inclusive, 9 to 16, inclusive, 21 to 28, inclusive, and 33 to 36, inclusive.
- T. 14 S., R. 13 E.,
Secs. 1, 2, 3, 10 to 14, inclusive, and 24.
- T. 10 S., R. 14 E.,
Secs. 24, 25, 26, 35, and 36.
- T. 11 S., R. 14 E.,
Secs. 1, 2, 3, and 7 to 36, inclusive.
- T. 12 S., R. 14 E.,
Secs. 1 to 36, inclusive.
- T. 13 S., R. 14 E.,
Secs. 1 to 36, inclusive.
- T. 14 S., R. 14 E.,
Secs. 1 to 30, inclusive, and 33 to 36, inclusive.
- T. 15 S., R. 14 E.,
Secs. 1 to 4, inclusive, 9 to 16, inclusive, 21 to 28, inclusive, and 33 to 36, inclusive.
- T. 16 S., R. 14 E.,
Sec. 1
- T. 8 S., R. 15 E.,
Secs. 24, 25, 26, 35, and 36.
- T. 9 S., R. 15 E.,
Secs. 1, 2, 3, 10 to 15, inclusive, 22 to 27, inclusive, and 33 to 36, inclusive.
- T. 10 S., R. 15 E.,
Secs. 1 to 4, inclusive, 9 to 17, inclusive, and 19 to 36, inclusive.
- T. 11 S., R. 15 E.,
Secs. 1 to 36, inclusive.
- T. 12 S., R. 15 E.,
Secs. 1 to 36, inclusive.
- T. 13 S., R. 15 E.,
Secs. 1 to 36, inclusive.
- T. 14 S., R. 15 E.,
Secs. 1 to 36, inclusive.
- T. 15 S., R. 15 E.,
Secs. 1 to 36, inclusive.
- T. 16 S., R. 15 E.,
Secs. 1, 2, 3, 5 to 8, inclusive, 11, 12, 13, 17, and 18.
- T. 8 S., R. 16 E.,
Secs. 13, 14, 15, and 19 to 36, inclusive.
- T. 9 S., R. 16 E.,
Secs. 1 to 36, inclusive.
- T. 10 S., R. 16 E.,
Secs. 1 to 36, inclusive.
- T. 11 S., R. 16 E.,
Secs. 1 to 36, inclusive.
- T. 12 S., R. 16 E.,
Secs. 1 to 36, inclusive.
- T. 13 S., R. 16 E.,
Secs. 1 to 36, inclusive.
- T. 14 S., R. 16 E.,
Secs. 1 to 36, inclusive.
- T. 15 S., R. 16 E.,
Secs. 1 to 36, inclusive.
- T. 16 S., R. 16 E.,
Secs. 1 to 29, inclusive, and 32 to 36, inclusive.
- T. 17 S., R. 16 E.,
Secs. 1, 2, 11, 12, and 13.
- T. 8 S., R. 17 E.,
Secs. 14 to 36, inclusive.
- T. 9 S., R. 17 E.,
Secs. 1 to 36, inclusive.
- T. 10 S., R. 17 E.,
Secs. 1 to 36, inclusive.
- T. 11 S., R. 17 E.,
Secs. 1 to 36, inclusive.
- T. 12 S., R. 17 E.,
Secs. 1 to 24, inclusive, and 27 to 34, inclusive.
- T. 13 S., R. 17 E.,
Secs. 1, 3 to 9, inclusive, 12, 13, 16 to 22, inclusive, 24, 25, and 27 to 36, inclusive.
- T. 14 S., R. 17 E.,
Secs. 1, 2, 4 to 8, inclusive, 10 to 15, inclusive, 17 to 20, inclusive, 22 to 31, inclusive, and 33 to 36, inclusive.
- T. 15 S., R. 17 E.,
Secs. 1 to 4, inclusive, 6, 7, 10 to 15, inclusive, 17 to 20, inclusive, 22 to 27, inclusive, 29 to 32, inclusive, 34, 35, and 36.
- T. 16 S., R. 17 E.,
Secs. 1, 4 to 9, inclusive, 12, 13, 16 to 21, inclusive, 24, 25, and 28 to 33, inclusive.
- T. 17 S., R. 17 E.,
Secs. 4 to 7, inclusive.
- T. 8 S., R. 18 E.,
Secs. 19, 20, 21, and 25 to 36, inclusive.
- T. 9 S., R. 18 E.,
Secs. 1 to 36, inclusive.
- T. 10 S., R. 18 E.,
Secs. 1 to 36, inclusive.
- T. 11 S., R. 18 E.,
Secs. 1 to 36, inclusive.
- T. 12 S., R. 18 E.,
Secs. 1 to 36, inclusive.
- T. 13 S., R. 18 E.,
Secs. 1 to 36, inclusive.
- T. 14 S., R. 18 E.,
Secs. 1 to 36, inclusive.
- T. 15 S., R. 18 E.,
Secs. 1 to 36, inclusive.
- T. 16 S., R. 18 E.,
Secs. 1 to 5, inclusive, 8 to 17, inclusive, 20 to 29, inclusive, 35, and 36.
- T. 17 S., R. 18 E.,
Secs. 1, 2, 3, 10 to 14, inclusive, 23 to 26, inclusive, 35, and 36.
- T. 4 S., R. 19 E.,
Secs. 12, 13, 14, 23 to 26, inclusive, 34, 35, and 36.
- T. 5 S., R. 19 E.,
Secs. 1, 2, 3, 9 to 17, inclusive, 20 to 29, inclusive, and 32 to 36, inclusive.
- T. 6 S., R. 19 E.,
Secs. 1 to 5, inclusive, 9 to 16, inclusive, 22 to 27, inclusive, 34, 35, and 36.
- T. 7 S., R. 19 E.,
Secs. 1, 2, 11, 12, 13, and 24.
- T. 8 S., R. 19 E.,
Secs. 31 and 32.
- T. 9 S., R. 19 E.,
Secs. 1, and 4 to 36, inclusive.
- T. 10 S., R. 19 E.,
Secs. 1 to 36, inclusive.
- T. 11 S., R. 19 E.,
Secs. 1 to 36, inclusive.
- T. 12 S., R. 19 E.,
Secs. 1 to 36, inclusive.
- T. 13 S., R. 19 E.,
Secs. 1 to 36, inclusive.
- T. 14 S., R. 19 E.,
Secs. 1 to 36, inclusive.
- T. 15 S., R. 19 E.,
Secs. 1 to 36, inclusive.
- T. 16 S., R. 19 E.,
Secs. 1 to 36, inclusive.
- T. 17 S., R. 19 E.,
Secs. 1 to 36, inclusive.
- T. 18 S., R. 19 E.,
Secs. 1 to 6, inclusive, 8 to 17, inclusive, 21 to 28, inclusive, 35, and 36.
- T. 19 S., R. 19 E.,
Secs. 1 and 2.
- T. 4 S., R. 20 E.,
Secs. 17 to 22, inclusive, and 25 to 36, inclusive.
- T. 5 S., R. 20 E.,
Secs. 1 to 36, inclusive.
- T. 6 S., R. 20 E.,
Secs. 1 to 36, inclusive.
- T. 7 S., R. 20 E.,
Secs. 1 to 36, inclusive.
- T. 8 S., R. 20 E.,
Secs. 1 to 6, inclusive, 8 to 17, inclusive, 21 to 28, inclusive, and 32 to 36, inclusive.
- T. 9 S., R. 20 E.,
Secs. 1 to 36, inclusive.
- T. 10 S., R. 20 E.,
Secs. 1 to 36, inclusive.
- T. 11 S., R. 20 E.,
Secs. 1 to 36, inclusive.
- T. 12 S., R. 20 E.,
Secs. 1 to 36, inclusive.

- Secs. 1 to 36, inclusive.
 T. 13 S., R. 20 E.,
 Secs. 1 to 36, inclusive.
 T. 14 S., R. 20 E.,
 Secs. 1 to 36, inclusive.
 T. 15 S., R. 20 E.,
 Secs. 1 to 36, inclusive.
 T. 16 S., R. 20 E.,
 Secs. 1 to 36, inclusive.
 T. 17 S., R. 20 E.,
 Secs. 1 to 36, inclusive.
 T. 18 S., R. 20 E.,
 Secs. 1 to 15, inclusive, 17 to 20, inclusive,
 22 to 27, inclusive, 30, 31, 32, 34, and 35.
 T. 19 S., R. 20 E.,
 Sec. 6.
 T. 4 S., R. 21 E.,
 Sec. 31.
 T. 5 S., R. 21 E.,
 Secs. 5 to 9, inclusive, 15 to 23, inclusive,
 and 25 to 36, inclusive.
 T. 6 S., R. 21 E.,
 Secs. 1 to 36, inclusive.
 T. 7 S., R. 21 E.,
 Secs. 1 to 36, inclusive.
 T. 8 S., R. 21 E.,
 Secs. 1 to 36, inclusive.
 T. 9 S., R. 21 E.,
 Secs. 1 to 36, inclusive.
 T. 10 S., R. 21 E.,
 Secs. 1 to 36, inclusive.
 T. 11 S., R. 21 E.,
 Secs. 1 to 36, inclusive.
 T. 12 S., R. 21 E.,
 Secs. 1 to 36, inclusive.
 T. 13 S., R. 21 E.,
 Secs. 1 to 14, inclusive, 16 to 21, inclusive,
 23, 24, 25, 28 to 32, inclusive, and 36.
 T. 14 S., R. 21 E.,
 Secs. 5 to 8, inclusive, 17, 18, 19, and 22 to
 36, inclusive.
 T. 15 S., R. 21 E.,
 Secs. 1 to 36, inclusive.
 T. 15 S., R. 21 E.,
 Secs. 1 to 36, inclusive.
 T. 16 S., R. 21 E.,
 Secs. 1 to 36, inclusive.
 T. 17 S., R. 21 E.,
 Secs. 1 to 36, inclusive.
 T. 18 S., R. 21 E.,
 Secs. 1 to 24, inclusive, and 26 to 32,
 inclusive.
 T. 5 S., R. 22 E.,
 Sec. 31.
 T. 6 S., R. 22 E.,
 Secs. 4 to 36, inclusive.
 T. 7 S., R. 22 E.,
 Secs. 1 to 36, inclusive.
 T. 8 S., R. 22 E.,
 Secs. 1 to 36, inclusive.
 T. 9 S., R. 22 E.,
 Secs. 1 to 36, inclusive.
 T. 10 S., R. 22 E.,
 Secs. 1 to 36, inclusive.
 T. 11 S., R. 22 E.,
 Secs. 1 to 36, inclusive.
 T. 12 S., R. 22 E.,
 Secs. 1 to 36, inclusive.
 T. 13 S., R. 22 E.,
 Secs. 1 to 36, inclusive.
 T. 14 S., R. 22 E.,
 Secs. 1 to 5, inclusive, 9 to 15, inclusive,
 and 22 to 27, inclusive.
 T. 15 S., R. 22 E.,
 Secs. 16 to 23, inclusive, and 26 to 35,
 inclusive.
 T. 15 S., R. 22 E.,
 Secs. 31 to 36, inclusive.
 T. 16 S., R. 22 E.,
 Secs. 1 to 36, inclusive.
 T. 17 S., R. 22 E.,
 Secs. 2 to 11, inclusive, 16 to 20, inclusive,
 28, 29, 30, 32, and 33.
 T. 6 S., R. 23 E.,
 Secs. 13 to 36, inclusive.
 T. 7 S., R. 23 E.,
 Secs. 1 to 36, inclusive.
 T. 8 S., R. 23 E.,
 Secs. 1 to 36, inclusive.
 T. 9 S., R. 23 E.,
 Secs. 1 to 36, inclusive.
 T. 10 S., R. 23 E.,
 Secs. 1 to 36, inclusive.
 T. 11 S., R. 23 E.,
 Secs. 1 to 36, inclusive.
 T. 12 S., R. 23 E.,
 Secs. 1 to 36, inclusive.
 T. 13 S., R. 23 E.,
 Secs. 1 to 30, inclusive, 34, 35, and 36.
 T. 14 S., R. 23 E.,
 Secs. 1, 2, 3, 9 to 16, inclusive, 18, 19, and
 24.
 T. 15 S., R. 23 E.,
 Secs. 31 and 32.
 T. 16 S., R. 23 E.,
 Secs. 4 to 9, inclusive, 16 to 21, inclusive,
 30, and 31.
 T. 6 S., R. 24 E.,
 Secs. 19 to 23, inclusive, and 25 to 36,
 inclusive.
 T. 7 S., R. 24 E.,
 Secs. 1 to 36, inclusive.
 T. 8 S., R. 24 E.,
 Secs. 1 to 36, inclusive.
 T. 9 S., R. 24 E.,
 Secs. 1 to 36, inclusive.
 T. 10 S., R. 24 E.,
 Secs. 1 to 36, inclusive.
 T. 11 S., R. 24 E.,
 Secs. 1 to 36, inclusive.
 T. 12 S., R. 24 E.,
 Secs. 1 to 36, inclusive.
 T. 13 S., R. 24 E.,
 Secs. 1 to 24, inclusive, and 28 to 31,
 inclusive.
 T. 14 S., R. 24 E.,
 Secs. 7, 18, and 19.
 T. 6 S., R. 25 E.,
 Secs. 29 to 33, inclusive.
 T. 7 S., R. 25 E.,
 Secs. 5 to 9, inclusive, 15 to 22, inclusive,
 and 26 to 35, inclusive.
 T. 8 S., R. 25 E.,
 Secs. 1 to 36, inclusive.
 T. 9 S., R. 25 E.,
 Secs. 1 to 36, inclusive.
 T. 10 S., R. 25 E.,
 Secs. 1 to 36, inclusive.
 T. 11 S., R. 25 E.,
 Secs. 1 to 36, inclusive.
 T. 12 S., R. 25 E.,
 Secs. 4 to 8, inclusive, 16 to 20, inclusive,
 and 29, 30, and 31.
 T. 13 S., R. 25 E.,
 Secs. 4 to 9, inclusive, 16 and 17.

The area described aggregates 5,010,342 acres (2,027,685 hectares), more or less, all of which are classified as prospectively valuable oil shale lands.

Dated: June 24, 1982.

Harold E. Doley, Jr.,

Director.

[FR Doc. 82-16333 Filed 7-6-82; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Shell Offshore Inc.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Shell Offshore Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 4892, Block 299, South Timbalier Area, Offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the office of the Minerals Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002. Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised §250.34 of Title 30 of the Code of Federal Regulations.

Dated: June 25, 1982.

John L. Rankin,

Acting Minerals Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-18344 Filed 7-6-82; 8:45 am]

BILLING CODE 4310-31-M

Oil Shale Leasing Area, East Tavaputs Plateau, Utah

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of Classification of an Oil Shale Leasing Area in Utah.

SUMMARY: The East Tavaputs Plateau Oil Shale Leasing Area, comprising approximately 57,624 acres in Uintah County, Utah, is established by Utah Oil Shale Leasing Minutes No. 2, November 2, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Larry Godwin, Deputy Minerals Manager, Resource Evaluation—Central Region, Minerals Management Service, Mail Stop 602, Box 25046, Denver Federal Center, Denver, Colorado 80225, telephone (303) 234-4435, FTS 234-4435.

SUPPLEMENTARY INFORMATION: Under the authority contained in the Act of March 3, 1879 (43 U.S.C. 31), as supplemented by Reorganization Plan No. 3 of 1950 (43 U.S.C. 1451, note), 220 Departmental Manual 2, Secretary's Orders No. 2948 and No. 3071, Federal lands within the State of Utah have been classified as subject to the oil shale leasing provisions of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 241). The name of the area, effective date and total acreage are as follows:

(44) Utah

East Tavaputs Plateau Oil Shale Leasing Area; November 2, 1981; 57,624 acres.

A diagram showing the boundaries of the area classified for leasing has been filed with the appropriate land office of the Bureau of Land Management. Copies of the diagram and the land descriptions can be obtained from the Minerals Manager, Central Region, Minerals Management Service, Stop 609, Box 25046, Denver Federal Center, Denver, Colorado 80225, telephone (303) 234-4435, FTS 234-4435.

Dated: June 24, 1982.

Harold E. Doley, Jr.,
Director.

[FR Doc. 82-18332 Filed 7-6-82; 8:45 am]

BILLING CODE 4310-MR-M

Oil Shale Leasing Area, Gray Knolls, Utah

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of Classification of an Oil Shale Leasing Area in Utah.

SUMMARY: The Gray Knolls Shale Leasing Area, comprising approximately 47,866 acres in Uintah County, Utah, is established by Utah Oil Shale Leasing Minutes No. 3, November 2, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Larry Godwin, Deputy Minerals Manager, Resource Evaluation—Central

Region, Minerals Management Service, Mail Stop 602, Box 25046, Denver Federal Center, Denver, Colorado 80225, telephone (303) 234-4435, FTS 234-4435.

SUPPLEMENTARY INFORMATION: Under the authority contained in the Act of March 3, 1879 (43 U.S.C. 31), as supplemented by Reorganization Plan No. 3 of 1950 (43 U.S.C. 1451, note), 220 Departmental Manual 2, Secretary's Orders No. 2948 and No. 3071, Federal lands within the State of Utah have been classified as subject to the oil shale leasing provisions of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 241). The name of the area, effective date and total acreage are as follows:

(44) Utah

Gray Knolls Oil Shale Leasing Area; November 2, 1981; 47,866 acres.

A diagram showing the boundaries of the area classified for leasing has been filed with the appropriate land office of the Bureau of Land Management. Copies of the diagram and the land descriptions can be obtained from the Minerals Manager, Central Region, Minerals Management Service, Stop 609, Box 25046, Denver Federal Center, Denver, Colorado 80225, telephone (303) 234-4435, FTS 234-4435.

Dated: June 24, 1982.

Harold E. Doley, Jr.,
Director.

[FR Doc. 82-18331 Filed 7-6-82; 8:45 am]

BILLING CODE 4310-MR-M

Oil Shale Leasing Area, Southeastern Uinta Basin, Utah

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of Classification of an Oil Shale Leasing Area in Utah.

SUMMARY: The Southeastern Uinta Basin Oil Shale Leasing Area, comprising approximately 446,470 acres in Uintah County, Utah, is established by Utah Oil Shale Leasing Minutes No. 1, November 2, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Larry Godwin, Deputy Minerals Manager, Resource Evaluation—Central Region, Minerals Management Service, Mail Stop 602, Box 25046, Denver Federal Center, Denver, Colorado 80225, telephone (303) 234-4435, FTS 234-4435.

SUPPLEMENTARY INFORMATION: Under the authority contained in the Act of March 3, 1879 (43 U.S.C. 31), as supplemented by Reorganization Plan No. 3 of 1950 (43 U.S.C. 1451, note), 220 Departmental Manual 2, Secretary's Orders No. 2948 and No. 3071, Federal

lands within the State of Utah have been classified as subject to the oil shale leasing provisions of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 241). The name of the area, effective date and total acreage are as follows:

(44) Utah

Southeastern Uinta Basin Oil Shale Leasing Area; November 3, 1981; 446,470 acres.

A diagram showing the boundaries of the area classified for leasing has been filed with the appropriate land office of the Bureau of Land Management. Copies of the diagram and the land descriptions can be obtained from the Minerals Manager, Central Region, Minerals Management Service, Stop 609, Box 25046, Denver Federal Center, Denver, Colorado 80225, telephone (303) 234-4435, FTS 234-4435.

Dated: June 24, 1982.

Harold E. Doley, Jr.,
Director.

[FR Doc. 82-18330 Filed 7-6-82; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Exxon Co., U.S.A.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Exxon Company, U.S.A. has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS-G 1082 and OCS-G 1092, Blocks 72 and 93, West Delta Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Minerals Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information

contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: June 25, 1982.

John L. Rankin,

Acting Minerals Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-18336 Filed 7-6-82; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; McMoRan Offshore Exploration Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that McMoRan Offshore Exploration Co. has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS-G 3932, 4540, and 3079, Blocks 527, 528, and 555, Matagorda Island Area, offshore Texas.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Minerals Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: June 24, 1982.

John L. Rankin,

Acting Minerals Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-18337 Filed 7-6-82; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Gulf Oil Exploration and Production Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Gulf Oil Exploration and Production Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 4486, Block 301, Main Pass Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Minerals Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: June 28, 1982.

John L. Rankin,

Acting Minerals Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-18339 Filed 7-6-82; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; ODECO Oil and Gas Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that ODECO Oil and Gas Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 0228, Block 93, Eugene Island Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Minerals Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT:

Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: June 29, 1982.

John L. Rankin,

Acting Minerals Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-18340 Filed 7-6-82; 8:45 am]

BILLING CODE 4310-31-M

DEPARTMENT OF JUSTICE

Consent Decree To Require Compliance With the Clean Water Act

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on June 8, 1982, a proposed consent decree in *United States v. Pima County, and the State of Arizona* was lodged in the United States District Court for the District of Arizona. The decree imposes on defendant certain requirements and compliance dates with respect to the operation of the Mount Lemmon Wastewater Treatment Plant in Pima County, Arizona.

The Department of Justice will receive for a period of thirty (30) days from the date of this notice (August 6, 1982), written comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530 and should refer to *United States v. Pima County, and the State of Arizona*, D.J. Ref. 90-5-1-1-1550.

The proposed order may be examined at the office of the United States Attorney, District of Arizona, 4000 U.S. Courthouse, 230 N. First Avenue, Phoenix, Arizona 85025, at the Region IX Office of the Environmental Protection Agency, Enforcement Division, 215 Fremont Street, San Francisco, California 94105, and at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of \$2.20 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

Anthony C. Liotta,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 82-18348 Filed 7-6-82; 8:45 am]

BILLING CODE 4410-01-M

NUCLEAR REGULATORY COMMISSION

Draft Regulatory Guide: Issuance and Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a proposed revision to a guide in its Regulatory Guide Series together with a draft of the associated value/impact statement. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The draft, temporarily identified by its task number, SG 046-4 (which should be mentioned in all correspondence

concerning this draft guide), is proposed Revision 1 to Regulatory Guide 5.34 and is entitled "Nondestructive Assay for Plutonium in Scrap Material by Spontaneous Fission Detection." The guide is being developed to describe procedures acceptable to the NRC staff for applying the nondestructive technique of spontaneous fission detection to the assay of plutonium in scrap for material accountability.

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 August 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 Silver Spring, Maryland this 29th day of June 1982.

For the Nuclear Regulatory Commission,

Karl R. Goller,

Director, Division of Facility Operations, Office of Nuclear Regulatory Research.

[FR Doc. 82-18389 Filed 7-6-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-413 OL and 50-414 OL]

Duke Power Co., et al. (Catawba Nuclear Station, Units 1 and 2); Assignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this operating license proceeding:

Alan S. Rosenthal, Chairman
Thomas S. Moore
Howard A. Wilber

Dated: June 30, 1982.

Barbara A. Tompkins,

Secretary to the Appeal Board.

[FR Doc. 82-18383 Filed 7-6-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-298]

Nebraska Public Power District; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 80 to Facility Operating License No. DPR-46 issued to Nebraska Public Power District (the licensee), which revised the Technical Specifications for operation of the Cooper Nuclear Station located in Nemaha County, Nebraska. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications to permit changes to the maximum critical power ratio values and rod block monitor upscale trip level setting, eliminate historical and extraneous material, correct typographical and grammatical errors, reflect organizational title changes, eliminate temporary restrictions no longer applicable, include equipment required by Technical Specifications, clarify definitions and bases sections and update references.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 30, 1982, (2) Amendment No. 80 to License No. DRP-46, and (3) the Commission's letter to the licensee dated June 24, 1982. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Auburn Public Library, 118 15th Street, Auburn, Nebraska 68305. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 24th day of June 1982.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

*Chief, Operating Reactors Branch No. 2,
Division of Licensing.*

[FR Doc. 82-18384 Filed 7-6-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-213, 50-245 and 50-336]

Northeast Nuclear Energy Co., et al.; Issuance of Amendments To Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 85 to Provisional Operating License No. DPR-21 and Amendment Nos. 50 and 78 to Facility Operating License Nos. DPR-61 and DPR-65, issued to Connecticut Yankee Atomic Power Company, The Connecticut Light and Power Company, The Hartford Electric Light Company, Western Massachusetts Electric Company and Northeast Nuclear Energy Company (the licensees), which revised the Technical Specifications (TS) for operation for the Haddam Neck Plant and the Millstone Nuclear Power Station, Units 1 and 2 (the facilities). Haddam Neck is located in Middlesex County, Connecticut and Millstone Station is located in the Town of Waterford, Connecticut. The amendments are effective as of their date of issuance.

The amendments approve changes to the Appendix A TS which are administrative in nature and primarily reflect recent organizational title changes in the licensees' organization.

In addition, the changes for Millstone Units No. 1 and 2 increase the number of Fire Brigade members from three to five. This additional change meets the Commission's requirements for a dual-unit facility.

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 the 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 these actions, see (1) the application for amendments dated February 24, 1982, (2) Amendment No. 85 to License No. DPR-21 and Amendment Nos. 50 and 78 to License Nos. DPR-61 and DPR-65, and (3) the Commission's related letter of transmittal dated June 25, 1982. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C. 20555, the Russell Library, 119 Broad Street, Middletown, Connecticut 06457 and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut. 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 25th day of June, 1982.

For the Nuclear Regulatory Commission.

Robert A. Clark,

*Chief, Operating Reactors Branch No. 3,
Division of Licensing.*

[FR Doc. 82-18385 Filed 7-6-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-206]

Southern California Edison Co. and San Diego Gas and Electric Co.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has

issued Amendment No. 60 to Provisional Operating License No. DPR-13, issued to Southern California Edison Company and San Diego Gas and Electric Company (the licensees), which revised License No. DPR-13 for the San Onofre Nuclear Generating Station Unit 1 (the facility) located in San Diego County, California. The amendment is effective as of its date of issuance.

The amendment adds a new License condition (Paragraph 3.I) which relates to the implementation of a secondary water chemistry monitoring program to inhibit steam generator tube degradation.

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 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 September 18, 1979, and its supplement dated February 24, 1982, (2) Amendment No. 60 to License No. DPR-13, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the San Clemente Branch Library, 242 Avenida Del Mar, San Clemente, California 92676. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 30th day of June, 1982.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

*Chief, Operating Reactors Branch No. 5,
Division of Licensing.*

[FR Doc. 82-18386 Filed 7-6-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-266 and 50-301]

**Wisconsin Electric Power Co.;
Issuance of Amendments to Facility
Operating Licenses**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 61 to Facility Operating License No. DPR-24, and Amendment No. 66 to Facility Operating License No. DPR-27 issued to Wisconsin Electric Power Company (the licensee), which revised Technical Specifications for operation of Point Beach Nuclear Plant, Unit Nos. 1 and 2 (the facilities) located in the Town of Two Creeks, Manitowoc County, Wisconsin. The amendments are effective as of the date of issuance.

The amendments provide primary containment integrated leak rate test requirements and schedules consistent in part to the requirements of Appendix J to 10 CFR Part 50.

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 December 12, 1975 as modified by letters dated July 18, 1977, February 6, 1978 and February 25, 1981, (2) Amendment Nos. 61 and 66 to License Nos. DPR-24 and DPR-27, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Joseph Mann Library, 1516 16th Street, Two Rivers, Wisconsin 54241. 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 25th day of June, 1982.

For the Nuclear Regulatory Commission,
Robert A. Clark,
*Chief, Operating Reactors Branch No. 3,
Division of Licensing.*

[FR Doc. 82-18387 Filed 7-6-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-266 and 50-301]

**Wisconsin Electric Power Co.; Point
Beach Nuclear Plant Units 1 and 2;
Exemption**

I

Wisconsin Electric Power Company (the licensee) is the holder of Facility Operating License Nos. DPR-24 and DPR-27 (the licenses) which authorize operation of the Point Beach Nuclear Plant, Units 1 and 2, respectively, located in Manitowoc County, Wisconsin, at steady state reactor power levels not in excess of 1519 megawatts thermal (rated power). These licenses provide, among other things, that they are subject to all rules, regulations and Orders of the Commission.

II

Section 50.54(o) of 10 CFR Part 50 requires that primary reactor containments for water cooled power reactors be subject to the requirements of Appendix J to 10 CFR Part 50. Appendix J contains the leakage test requirements, schedules, and acceptance criteria for tests of the leak-tight integrity of the primary reactor containment and systems and components which penetrate the containment. Appendix J was published on February 14, 1973 and in August 1975 each licensee was requested to review the extent to which its facilities met the requirements.

On December 12, 1975, Wisconsin Electric Power Company submitted its evaluation of the Point Beach Nuclear Plant Units 1 and 2 with regard to compliance with the requirements of Appendix J to 10 CFR Part 50. The licensee proposed Technical Specification changes to achieve compliance with some portions of the rule and requested exemptions from certain other of the rule's requirements. The licensee's submittal for Point Beach Units 1 and 2 was supplemented by letters dated July 18, 1977, February 6, 1978 and February 25, 1981. In these submittals the licensee requested that certain test sequences and methodology, components and penetrations be exempted from the Appendix J requirements and also submitted

proposed Technical Specification changes to upgrade portions of their testing procedures to meet the Appendix J requirements. The Technical Specification changes are being addressed in a separate evaluation.

The Franklin Research Center (FRC), as a consultant to the Nuclear Regulatory Commission, (NRC), has reviewed the licensee's submittals and prepared a Technical Evaluation Report (TER) of its findings. The NRC staff has reviewed this TER and in its Safety Evaluation Report dated June 25, 1982, the staff has concurred in the TER's base and findings. The exemption requests found to be acceptable are as follows:

1. Wisconsin Electric Power Company (WEPCO) requested an exemption from the Appendix J Type A testing requirements for the air supply line used in performing the Type A containment integrated leak rate test. WEPCO proposed to perform Type C local leakage tests on the isolation valves for this system and add the leakage results to the overall Type A test results. WEPCO stated that the containment service air supply line is used to pressurize and depressurize the containment during the Type A test. WEPCO further stated that the isolation requirements for the test and the temporary piping installed for the test prevent the containment service air supply line from being tested in accordance with Appendix J. Section III.A.1.(d) of Appendix J states in part that systems required to maintain the plant in a safe condition during the test shall be operable in their normal mode and need not be vented. However the containment isolation valves shall be tested in accordance with IILC (Type C testing). FRC and the NRC staff agree that, since this line is used during the Type A test, its testing requirements should be comparable to the systems specified in Section III.A.1.(d). Therefore, the licensee's exemption request is acceptable.

2. WEPCO requested an exemption to periodically hydrostatically test the residual heat removal system containment isolation valves in lieu of the pneumatic (Type C) testing requirements of Appendix J since this system cannot be drained and vented with fuel in the core. FRC and the NRC staff agree that periodic hydrostatic testing of the residual heat removal system ensures that the containment isolation valves of this system are not relied upon to prevent the post-accident escape of containment air. Appendix J does not require further Type C testing of these valves; therefore, an exemption

from the requirements of Appendix J is acceptable.

3. WEPCO requested an exemption from the requirements of Appendix J for conduct of the Type A test such that if repairs were necessary to meet the acceptance criteria, the integrated leakage rate test (Type A test) need not be repeated provided local measured reductions in leakages achieved by repairs reduces the overall measured leakage rate to a value not in excess of 0.75 L₄. It is not acceptable to terminate the Type A test without achieving a leakage rate which meets the acceptance criteria and then to subtract the differential leakage from repaired valves in order to meet the acceptance criteria because subtraction of certain internal containment leakage may erroneously reduce the apparent overall containment leakage rate. From a complete reading of WEPCO's proposed procedures for conduct of the Type A test, FRC and the NRC staff do not believe this to be the intent of the licensee and conclude that WEPCO's proposed procedures for conduct of the Type A test are acceptable as an exemption to the requirements of Section III.A.1.(a) of Appendix J because the objective of Appendix J is achieved.

III

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest. Therefore, the Commission hereby approves the exemption request identified above.

The NRC staff has determined that the granting of this exemption 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 this action.

Dated at Bethesda, Maryland, this 25th day of June 1982.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 82-18388 Filed 7-6-82; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Timely Payments Circular; Opportunity for Comment

AGENCY: Office of Management and Budget.

ACTION: Comment—Proposed OMB circular.

SUMMARY: This notice offers interested parties an opportunity to comment on a proposed OMB Circular, "Timely Payments." The proposed Circular is intended to provide policy guidance to Federal agencies on the implementation of the Prompt Payment Act (Pub. L. 97-177).

The proposed Circular is the product of an interagency task force composed of representatives of major Federal agencies, under the leadership of the Office of Management and Budget.

The Office of Management and Budget has, as yet, made no final decisions with respect to the provisions of the proposed Circular. All interested parties are invited to make their views known.

Comments should be submitted in duplicate to the Financial Management Division, Office of Management and Budget, Washington, D.C. 20503. All comments should be received by August 1, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. David J. Gribble, Financial Management Division, Office of Management and Budget, Washington, D.C. 20503 (202) 395-4773.

Candice C. Bryant,

Acting Deputy Assistant Director for Administration.

Circular No. A—

To the Heads of Executive Departments and Establishments

Subject: Timely Payments.

1. *Purpose.* This Circular prescribes policies and procedures to be followed by executive departments and agencies in paying for property and services acquired from business concerns.

2. *Background.* The Prompt Payment Act (Pub. L. 97-177) requires Federal agencies to pay their bills on time, to pay interest penalties when payments are made late, and to take discounts only when payments are made within the discount period. Section 2(a)(1) of the Act requires the Director of the Office of Management and Budget to issue implementing regulations. Implementation will result in timely payment, better business relationships with suppliers, improved competition for Government business, and reduced costs to the Government for goods and services. Implementation must be consistent with sound cash management practices and related Treasury regulations.

3. *Policy.* Agencies will make payments as close as possible to, but not later than, the due date. Payment will be based on receipt of proper invoices and satisfactory performance of contract terms. Agencies will take discounts only when payments are made within the discount period. When agencies fail to make timely payment or take discounts after expiration of the discount period, interest penalties will be paid. Agencies will pay interest penalties without the need for

business concerns requesting them, except as provided in Section 8.d. of this Circular. Federal agencies will absorb interest penalty payments within funds available for the administration or operation of the program for which the penalty was incurred.

4. *Definitions.* For the purposes of this Circular, the following definitions apply:

a. *Agency*—has the same meaning as the term "agency" in Section 551(1) of Title 5, United States Code, and also includes exchanges, commissaries, and any entity (1) that is operated exclusively as an instrumentality of such an agency for the purpose of administering one or more programs of that agency, and (2) that is so identified for this purpose by the head of such agency. The term does not include the Tennessee Valley Authority, which is exempted from coverage by this Circular under the provisions of the Prompt Payment Act.

b. *Applicable interest rate*—the interest rate established by the Secretary of the Treasury under Section 12 of the Contract Disputes Act of 1978 (41 U.S.C. 611) and published in the Federal Register.

c. *Business concern*—any person or organization engaged in a profession, trade, or business; and not-for-profit entities (including State and local governments, but excluding Federal entities) operating as contractors.

d. *Contract*—any enforceable agreement, including rental and lease agreements and purchase orders, between an agency and a business concern for the acquisition of property or services.

e. *Designated payment office*—the place named in the contract for forwarding of invoices.

f. *Due date*—the date on which Federal payment should be made. Determination of such dates is discussed in Section 7 of this Circular.

g. *Payment date*—the date of a check for payment.

h. *Proper invoice*—a bill or written request for payment provided by a business concern for property or services rendered. A proper invoice must meet the requirements of Section 6.b. of this Circular.

i. *Receipt of invoice*—an invoice will be deemed to have been received by an agency on the later of:

—The date a proper invoice is actually received in the designated payment office, or

—The date on which the agency accepts the property or service.

j. *Receiving report*—written evidence of acceptance of property or services by a Government official. Receiving reports must meet the requirements of Section 6.c. of this Circular.

5. *Responsibilities.* Each agency head is responsible for assuring timely payments and the payment of interest penalties where required. Each agency head will issue internal instructions, as necessary, to implement this Circular by October 1, 1982. Such instructions will include provisions for determining the causes of any interest penalties incurred, and for taking necessary corrective or disciplinary action. Inspectors

General and internal auditors will provide such advice, and make such reviews of implementation, as they and the agency head deem appropriate.

6. *Payment Standards.* Invoices will be paid as close as possible to, but not later than, the due date, consistent with Treasury regulations (1 *Treasury Fiscal Requirements Manual* 6-8040.20). To establish adequate documentation to support payments of interest penalties, the following information must be included in contracts, receiving reports, and invoices.

a. A contract must include the following payment provisions:

- Payment due date(s) (usually 30 days).
 - Separate due dates if partial payment is provided for partial executions or deliveries.
 - A stated inspection period following delivery, where necessary, for Federal acceptance of property or services.
 - Name where practicable, title, phone number, and complete mailing address of officials of the business concern, and of the designated payment office.
- b. A proper invoice must include:
- Name of the business concern and invoice date.
 - Contract number, or other authorization for delivery of property or services.
 - Description, price, and quantity of property and services actually delivered or rendered.
 - Shipping and payment terms, and such other substantiating documentation or information as required by the contract.
 - Name where practicable, title, phone number, and complete mailing address of responsible official to whom payment is to be sent.

Notice of an apparent error, defect, or impropriety in an invoice will be given to a business concern within 15 days of receipt of an invoice (3 days for meat or meat food products and 5 days for perishable agricultural commodities.)

c. A receiving report must include:

- Contract or other authorization number.
- Product or service description.
- Quantities received, if applicable.
- Date(s) property or services accepted.
- Signature, printed name, title, phone number, and mailing address of the receiving official.

Receiving reports must be forwarded in time to be received by the designated payment office by the third business day after receipt or acceptance, unless separate arrangements are made. Designated payment offices must stamp receiving reports and invoices with the date received in that office.

7. *Determining Due Dates.* Payment will be made as close as possible to, but not later than, the 30th day after a receipt of a proper invoice as defined in Section 4.i. of this Circular, except as follows:

- When a different date is specified in the contract, payment will be made as close as possible to, but not later than, that date.
- When a discount is offered, the discount will be taken within the discount period whenever economically justified. (See I *Treasury Fiscal Requirements Manual* 6-8040.30.)

—Payment for meat or meat food products, as defined in Section 2(a)(3) of the Packers and Stockyard Act of 1921 (7 U.S.C. 182(3)) will be made as close as possible to, but not later than, the seventh day after the date of delivery.

—Payment for perishable agriculture commodities, as defined in Section 1(4) of the Perishable Agriculture Commodities Act of 1930 (7 U.S.C. 499a(4)), will be made as close as possible to, but not later than, the tenth day after the date of delivery, unless another date is specified in the contract.

8. *Interest Penalty Requirement.*

a. An interest penalty will be paid when all of the following conditions are met:

- There is a contract or purchase order with a business concern.
- Federal acceptance of property or services has occurred and there are no disputes over quantity, quality, or other contract provisions.
- A proper invoice has been received or the agency fails to give notice that the invoice is not proper within 15 days of receipt of an invoice (3 days for meat or meat food products, and 5 days for perishable agricultural commodities).
- Payment is made to the business concern more than 15 days after the due date (3 days for meat or meat food products, and 5 days for perishable agricultural commodities.)

b. Payment of an interest penalty is also required when an agency takes a discount after the discount period has expired.

c. Interest penalties are not required when payment is delayed because of a dispute between a Federal agency and a business concern over the amount of the payment or other allegations concerning compliance with a contract. Claims concerning any such dispute, and any interest that may be payable with respect to the period while the dispute is being resolved, will be resolved in accordance with the provisions in the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.).

d. Interest penalties need not be paid in the following circumstances:

- Payments are made outside the United States or its territories.
- The interest penalty amounts to less than \$10.00, unless the business concern submits a written request for the lesser amount due.
- Progress payments are made solely for financing purposes.
- Payments are made in advance.
- Cost or fees are temporarily withheld in accordance with the contract.

9. *Calculation of Interest Penalties.*

Whenever a proper invoice is paid after the due date plus 15 days (except 3 days for meat and meat food products, and 5 days for perishable agricultural commodities), interest will be included with the payment at the rate applicable on the payment date. Interest will be computed from the day after the due date through the payment date. Adjustments will be made for errors in calculating interest, if requested. Interest penalties remaining unpaid for any 30-day period will be added to the principal, and interest penalties, thereafter, will accrue on the total amount.

—When an agency takes a discount after the discount period has expired, the interest payment will be calculated on the amount of the discount taken, for the period beginning the day after the end of the specified discount period through the payment date.

—When an agency fails to make notification of an improper invoice within 15 days (3 days for meat or meat food products, and 5 days for perishable agricultural commodities), the number of days allowed for payment of the corrected, proper invoice will be reduced by the number of days between the 15th day and the day the business concern was notified. Calculation of interest penalties, if any, will be based on an adjusted due date reflecting the reduced number of days allowable for payment.

Interest penalties under the Prompt Payment Act will not continue to accrue (1) after the filing of a claim for such penalties under the Contract Disputes Act of 1978, or (2) for more than one year.

10. *Grant Recipients.* Recipients of Federal assistance may pay interest penalties if so specified in their contracts with business concerns. However, obligations to pay such interest penalties will not be obligations of the United States. Federal funds may not be used for this purpose, nor may interest penalties be used to meet matching requirements of federally-assisted programs.

11. *Reporting.* Each Federal agency will report to the Director of OMB within 60 days after the end of each fiscal year, beginning with Fiscal Year 1983, the following information.

- Number of interest penalties paid.
- Amount of interest penalties paid.
- Relative frequencies, on a percentage basis, of interest penalty payments to the total number of payments.
- Number, total amount, and relative frequency on a percentage basis of payments made 5 days or more before the due date, except where cash discounts were taken.
- Reasons that interest penalties were incurred.
- An analysis of the progress made from previous years in improving the timeliness of payments.

In order to minimize the cost of reporting, statistical sampling may be used to derive the information above.

12. *Additional Provision.* Additional procurement guidelines and requirements are set forth in applicable acquisition regulations.

13. *Effective Date.* This Circular is effective on publication. Interest penalties will apply to payments made under contracts issued on or after October 1, 1982.

14. *Inquiries.* Questions or inquiries may be direct to the Financial Management Division, Office of Management and Budget, telephone number 202/395-4773.

15. *Sunset Review Date.* This Circular will have an independent policy review to

ascertain its effectiveness three years from the date of issue.

[FR Doc. 82-18497 Filed 7-2-82; 3:33 pm]

BILLING CODE 3110-01-M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Northwest Power Planning Council; Scientific and Statistical Advisory Committee; Conservation Subcommittee; Meeting

AGENCY: Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of meeting.

STATUS: Open.

SUMMARY: The Northwest Power Planning Council hereby announces a forthcoming meeting of the Conservation Subcommittee of its Scientific and Statistical Advisory Committee.

DATE: Tuesday, July 13, 1982, 9:30 a.m.

ADDRESS: The meeting will be held at the Council's Central Office located at 700 S.W. Taylor Street, Suite 200, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Mr. Tom Eckman, (503) 222-5161.

Edward Sheets,
Executive Director.

[FR Doc. 82-18410 Filed 7-6-82; 8:45 am]

BILLING CODE 0000-00-M

Northwest Power Planning Council; Scientific and Statistical Advisory Committee; Fish and Wildlife Subcommittee; Meeting

AGENCY: Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of meeting.

STATUS: Open.

SUMMARY: The Northwest Power Planning Council hereby announces a forthcoming meeting of the Fish and Wildlife Subcommittee of its Scientific and Statistical Advisory Committee.

DATE: Friday, July 16, 1982, 8:30 a.m.

ADDRESS: The meeting will be held at the Council's Central Office located at 700 S.W. Taylor Street, Suite 200, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Ms. Torian Donohoe, (503) 222-5161.

Edward Sheets,
Executive Director.

[FR Doc. 82-18411 Filed 7-6-82; 8:45 am]

BILLING CODE 0000-00-M

Northwest Power Planning Council; Scientific and Statistical Advisory Committee; Conservation Subcommittee; Meeting

AGENCY: Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of meeting.

STATUS: Open.

SUMMARY: The Northwest Power Planning Council hereby announces a forthcoming meeting of the Conservation Subcommittee of its Scientific and Statistical Advisory Committee.

DATE: Tuesday, July 20, 1982, 2:00 p.m.

ADDRESS: The meeting will be held at the Council's Central Office located at 700 S.W. Taylor Street, Suite 200, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Mr. Tom Eckman, (503) 222-5161.

SUPPLEMENTARY INFORMATION: Optional meeting. Attend Module VI contractor presentation on quantification of environmental cost and benefits methodology.

Edward Sheets,
Executive Director.

[FR Doc. 82-18407 Filed 7-6-82; 8:45 am]

BILLING CODE 0000-00-M

Northwest Power Planning Council; Scientific and Statistical Advisory Committee; Forecasting Subcommittee; Meeting

AGENCY: Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of meeting.

STATUS: Open.

SUMMARY: The Northwest Power Planning Council hereby announces a forthcoming meeting of the Forecasting Subcommittee of its Scientific and Statistical Advisory Committee.

DATE: Wednesday, July 21, 1982, 9:00 a.m.

ADDRESS: The meeting will be held at the Council's Central Office located at

700 S.W. Taylor Street, Suite 200, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Ms. Annette Frahm, (503) 222-5161.

Edward Sheets,
Executive Director.

[FR Doc. 82-18408 Filed 7-6-82; 8:45 am]

BILLING CODE 0000-00-M

Northwest Power Planning Council; Scientific and Statistical Advisory Committee; Resource Assessment Subcommittee; Meeting

AGENCY: Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of meeting.

STATUS: Open.

SUMMARY: The Northwest Power Planning Council hereby announces a forthcoming meeting of the Resource Assessment Subcommittee of its Scientific and Statistical Advisory Committee.

DATE: Thursday, July 15, 1982, 10:00 a.m.

ADDRESS: The meeting will be held at the Council's Central Office located at 700 S.W. Taylor Street, Suite 200, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Ms. Annette Frahm, (503) 222-5161.

Edward Sheets,
Executive Director.

[FR Doc. 82-18409 Filed 7-6-82; 8:45 am]

BILLING CODE 0000-00-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Supplement To Department Circular, Public Debt Series—No. 16-82]

Treasury Notes; Series H-1986

The Secretary announced on June 29, 1982, that the interest rate on the notes designated Series H-1986, described in Department Circular—Public Debt Series—No. 16-82 dated June 10, 1982, as amended, will be 14% percent. Interest on the notes will be payable at the rate of 14% percent per annum.

Paul H. Taylor,
Fiscal Assistant Secretary.
June 30, 1982.

[FR Doc. 82-18406 Filed 7-6-82; 8:45 am]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register

Vol. 47, No. 130

Wednesday, July 7, 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).

For a recorded message with the latest agenda information call 492-5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, Room 342, 5401 Westbard Avenue, Bethesda, MD 20207; Telephone (301) 492-6800.

[S-983-82 Filed 7-2-82; 3:21 pm]

BILLING CODE 6355-01-M

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1

CONSUMER PRODUCT SAFETY COMMISSION

Commission Meeting

TIME: 10 a.m., Friday, July 9, 1982.

LOCATION: Third floor hearing room, 1111 18th Street, NW., Washington, D.C.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

Long Range Planning, Priorities for FY 83-84

The Commission will consider issues related to long range planning and priority setting for fiscal years 1983 and 1984.

For a recorded message with the latest agenda information call 492-5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, Room 342, 5401 Westbard Ave., Bethesda, Md. 20207; Telephone (301) 492-6800.

[S-984-82 Filed 7-2-82; 3:21 pm]

BILLING CODE 6355-01-M

2

CONSUMER PRODUCT SAFETY COMMISSION

Commission Meeting

TIME: 10 a.m., Wednesday, July 7, 1982.

LOCATION: Third floor hearing room, 1111-18th Street, NW., Washington, D.C.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

1. *OMB Circular A-119: Voluntary Standards*

The Commission will consider draft comments on proposed revisions to OMB Circular A-119 concerning Federal Participation in the Development and Use of Voluntary Standards.

2. *Long Range Planning, Priorities for FY 83-84*

The staff will brief the Commission on issues related to long range planning and priority setting for fiscal years 1983 and 1984.

FEDERAL RESERVE SYSTEM

Board of Governors

TIME AND DATE: 10 a.m., Monday, July 12, 1982.

PLACE: 20th Street and Constitution Avenue, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposals with respect to the employee benefits program.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: July 2, 1982.

James McAfee,

Associate Secretary of the Board

[S-982-82 Filed 7-2-82; 3:20 pm]

BILLING CODE 6210-01-M

4

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the Week of July 6, 1982, in Room 825, 500 North Capitol Street, Washington, D.C.

Open meetings will be held on Wednesday, July 7, 1982, at 9:00 a.m. to 5:30 p.m. and on Thursday, July 8, 1982, at 10:00 a.m. Closed meetings will be held on Thursday, July 8, 1982, at 9:00 a.m. and following the 10:00 a.m. open meeting.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Commissioners Evans, Thomas and Longstreth voted to consider the items listed for the closed meeting in closed session.

The subject matter of the open meeting scheduled for Wednesday, July 7, 1982, at 9:00 a.m. to 5:30 p.m., will be:

1. A discussion of the issues facing the Commission as a result of the erosion of the traditional demarcation between the banking and securities fields, mergers between firms in different segments of the financial and securities industries, and the development of new financial products and services. In addition the following specific items will be considered:

(a) A request for a "no-action" letter from savings and loan associations that propose to permit a registered broker-dealer, Savings Association Investment Securities, Inc., to offer brokerage services on their premises without registering as broker-dealers under Section 15 of the Securities Exchange Act of 1934. For further information, please contact Colleen Curran Harvey at (202) 272-2826.

(b) Whether to authorize the acceleration of the effective date of the registration statement under the Securities Act of 1933 of The School Street Mutual Fund, a money market fund, the investment adviser and distributor for which are wholly-owned subsidiaries of a state-chartered savings bank. For further information, please contact Susan P. Hart at (202) 272-2098.

(c) A request by Visa Money Fund, Inc. ("Visa Fund"), that the Commission accelerate the effective date of its registration under the Securities Act of 1933. The Commission will also consider (1) whether, in light of Visa Fund's proposal to implement a policy of relating its purchases of certificates of deposit issued by financial institutions to the sales of fund shares to customers of such institutions, the Commission should hold public hearings before determining whether to accelerate Visa Fund's registration statement (or any similar registration statement); (2) whether the Commission should grant the request of a registrant for an oral hearing before the Commission to present its request for acceleration of the effective date of its registration statement. For further information, please contact Sandra M. Molley at (202) 272-2033.

The subject matter of the open meeting scheduled for Thursday, July 8, 1982, at 10:00 a.m., will be:

1. Consideration of whether to publish for comment proposed Item 404 of Regulation S-K, "Certain relationships and related transactions", and certain related rule, form and schedule amendments. These amendments are intended to make uniform and streamline the disclosure requirements regarding relationships and transactions involving management while reducing compliance costs in a manner consistent with investor protection. For further information, please contact Susan P. Davis at (202) 272-2604.

2. Consideration of whether to issue a release on proposed amendments to Article 9 of Regulation S-X and the Industry Guide disclosures for bank holding companies. The proposed revisions are a continuation of the Commission's project to integrate disclosures under the Securities Act of 1933 and the Securities Exchange Act of 1934. For further information, please contact Marc Oken at (202) 272-2130.

3. Consideration of whether to grant the application of Samuel A. Alexander, Jr. to terminate one of the sanctions imposed upon him by Commission Order, dated March 8,

1974. For further information, please contact Philip L. Sbarbaro at (202) 272-2356.

4. Consideration of whether to amend the Commission rules governing delegation of authority in order to allow Regional Administrators to delay for up to six months inspections of newly registered broker-dealers that have not initiated operations during their first six months of registration. The delegation also would give Regional Administrators the option of conducting a complete examination of a broker-dealer during the first six months of its registration, or conducting only a financial and operational examination at that time, deferring the remainder of the inspection for up to six months. For further information, please contact Robert A. Love, at (202) 272-2781.

5. Consideration of whether to send a letter to the Federal Reserve Board ("FRB") commenting on the FRB's proposal to establish a regulatory framework for setting margin requirements on futures contracts on stock indices. For further information, contact Sharon Zackula at (202) 272-2839.

The subject matter of the closed meeting scheduled for Thursday, July 8, 1982, at 9:00 a.m., will be:

Litigation matter.

The subject matter of the closed meeting scheduled for Thursday, July 8, 1982, following the 10:00 a.m. open meeting, will be:

Access to investigative files by Federal, State, or Self-Regulatory authorities.
Settlement of administrative proceedings of an enforcement nature.
Institution of administrative proceedings of an enforcement nature.
Litigation matter.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Richard Starr at (202) 272-2467.

July 1, 1982.

[S-981-82 Filed 7-1-82; 4:55 pm]

BILLING CODE 8010-01-M

State Registration Federal Pesticide

Wednesday
July 7, 1982

Part II

**Environmental
Protection Agency**

State Registration of Pesticides

**ENVIRONMENTAL PROTECTION
AGENCY**

[OPP—240021; PH FRL 2161-3]

State Registration of Pesticides

AGENCY: Environmental Protection Agency (EPD).

ACTION: Notice.

SUMMARY: EPA has received notices of registration of pesticides to meet special local needs under section 24(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) from 47 States. A registration issued under this section of FIFRA shall not be effective for more than 90 days if the Administrator disapproves the registration or finds it to be invalid within that period. If the Administration disapproves a registration or finds it to be invalid after 90 days, a notice giving that information will be published in the Federal Register.

DATE: The last entry for each item is the date the State registration of that product became effective.

FOR FURTHER INFORMATION CONTACT: Mary Waller, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 716E, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7700).

SUPPLEMENTARY INFORMATION: The registrations listed below were issued by the states between May 19 and December 31, 1981. Receipts by EPA of state registrations will be published periodically. There is no changed use pattern involved in any of these registrations.

Alabama

EPA SLN No. AL 81 0025. Mobay Chemical Corp. Registration is for Sencor Sprayule 75 Percent Water Dispersible GR, to be used on soybeans to control weeds. June 12, 1981.

EPA SLN No. AL 81 0028. Mobay Chemical Corp. Registration is for Sencor 4 FL, to be used on soybeans to control weeds. June 12, 1981.

EPA SLN No. AL 81 0027. Mobay Chemical Corp. Registration is for Sencor 50 Percent WP, to be used on soybeans to control weeds. June 12, 1981.

EPA SLN No. AL 0028. Uniroyal Chemical. Registration is for Uniroyal Dinoseb-3, to be used on cotton and soybeans to control broadleaf weeds and grasses. June 19, 1981.

EPA SLN No. AL 81 0029. Mobay Chemical Corp. Registration is for Sencor Sprayule 75 Percent Water Dispersible GR, to be used on golf course fairways and commercial sod farms only, to control weeds. August 24, 1981.

EPA SLN No. AL 81 0030. Mobay Chemical Corp. Registration is for Furadan 4 FL, to be used on field corn to control the southwestern corn borer and European corn borer. November 2, 1981.

EPA SLN No. AL 81 0031. E. I. du Pont de Nemours and Co. Registration is for Du Pont Lannate Insecticide (greenhouse ornamentals), to be used on green house ornamentals to control insects. November 2, 1981.

EPA SLN No. AL 81 0032. E. I. du Pont de Nemours and Co. Registration is for Du Pont Lannate L Insecticide (greenhouse ornamentals), to be used on greenhouse ornamentals to control insects. November 2, 1981.

EPA SLN No. AL 81 0033. Thompson-Hayward Chemical Co. Registration is for De-Fend E-267 Insecticide, to be used on pecans to control aphids, mites, and leafhoppers. November 9, 1981.

EPA SLN No. AL 81 0034. FMC Corporation-Agricultural Chemical Group. Registration is for Pounce 3.2 EC Insecticide, to be used on cotton to control the bollworm and tobacco budworm. December 28, 1981.

Arizona

EPA SLN No. AZ 81 0009. Ralston Purina Co. Registration is for Purina Hard Hitter WP, to be used on livestock and poultry premises to control house, stable, and other manure breeding flies. July 27, 1981.

EPA SLN No. AZ 81 0011. Hess and Clark, Inc. Registration is for Insectrin WP, to be used on livestock and poultry premises to control house, stable, and other manure breeding flies. May 26, 1981.

EPA SLN No. AZ 81 0012. Hess and Clark, Inc. Registration is for Insectrin EC, to be used on livestock and poultry premises to control house, stable, and other manure breeding flies. May 26, 1981.

EPA SLN No. AZ 81 0013. Chevron Chemical Co. Registration is for Monitor 4, to be used on cotton to control cabbage loopers, beet armyworms, Lygus bugs, aphids, thrips, and mites. June 26, 1981.

EPA SLN No. AZ 81 0014. Burroughs Wellcome Co. Registration is for Atroban Cattle Ear Tags, to be used on beef and dairy cattle to control horn flies, face flies, and ticks. May 21, 1981.

EPA SLN No. AZ 81 0015. Y-Tex Corp. Registration is for GardStar, to be used on beef and dairy cattle to control horn flies, face flies, and ticks. May 21, 1981.

EPA SLN No. AZ 81 0016. U.S. Department of the Interior. Registration is for 5 Percent Strychnine Bait Suspension, to be used on range trails leading to cotton and garden crop areas to control black-tailed Jackrabbits. May 18, 1981.

EPA SLN No. AZ 81 0017. Chevron Chemical Co. Registration is for Monitor 4 Spray, to be used on head lettuce to control the tobacco budworm. June 4, 1981.

EPA SLN No. AZ 81 0019. FMC Corp. Registration is for Furadan 4 FL, to be used on field corn to control the southwestern corn borer. June 29, 1981.

EPA SLN No. AZ 81 0021. Mobay Chemical Corp. Registration is for Guthion 50 Percent WP in Water Soluble Packets, to be used on cotton to control the boll weevil and pink bollworm. July 21, 1981.

EPA SLN No. AZ 81 0022. Uniroyal Chemical Co. Registration is for Comite, to be used on grain sorghum, to control the spider mite complex. August 10, 1981.

EPA SLN No. AZ 81 0023. Mobay Chemical Corp. Registration is for Sencor Sprayule 75 Percent Water Dispersible GR, to be used on alfalfa, non-dormant (non-winter hardy) varieties, to control weeds. August 18, 1981.

EPA SLN No. AZ 81 0024. Mobay Chemical Corp. Registration is for Furadan 4 FL, to be used on field corn to control the southwestern corn borer. August 28, 1981.

EPA SLN No. AZ 81 0025. E. I. du Pont de Nemours and Co. Registration is for DuPont Vydate L Insecticide/Nematicide, to be used on cucumber, cantaloupe, honeydew melon, watermelon, and squash to control leaf miners. September 17, 1981.

EPA SLN No. AZ 81 0026. Chemical Distributors dba Arizona Agrochemical Co. Registration is for Sim-Tro 4L Simazine, to be used on apples, pears, and peaches to control weeds. November 4, 1981.

EPA SLN No. AZ 81 0027. Mobay Chemical Corp. Registration is for Sencor DF, to be used on alfalfa, non-dormant (non-winter hardy) varieties to control weeds. November 6, 1981.

Arkansas

EPA SLN No. AR 81 0037. E. I. du Pont de Nemours and Co. Registration is for Karmex, to be used on blueberries to control annual bluegrass, chickweed, corn spurry, crabgrass, and fall panicum. June 15, 1981.

EPA SLN No. AR 81 0038. Dow Chemical USA. Registration is for Dowpon M, to be used on cotton to control Bermuda grass. June 15, 1981.

EPA SLN No. AR 81 0039. Shell Chemical Co. Registration is for Pydrin, to be used on cotton to control cotton bollworms, tobacco budworms, Lygus bugs, cabbage loopers, beet armyworms, boll weevils, and whiteflies. June 15, 1981.

EPA SLN No. AR 81 0040. Mobay Chemical Corp. Registration is for Guthion 2 FL, to be used on cotton to control cotton insects. June 15, 1981.

EPA SLN No. AR 81 0041. Mobay Chemical Corp. Registration is for Guthion 50 Percent WP, to be used on cotton to control cotton insects. June 15, 1981.

EPA SLN No. AR 81 0042. FBC Chemicals, Inc. Registration is for Attac 6 and Attac 8, to be used on soybeans to control sicklepod. June 15, 1981.

EPA SLN No. AR 81 0043. Elanco Products Co. Registration is for Treflan EC, to be used on soybeans to control annual grasses and broadleaf weeds. June 15, 1981.

EPA SLN No. AR 81 0044. Mobay Chemical Corp. Registration is for Monitor, to be used on cotton to control fleahoppers, whiteflies, beet armyworms, cabbage loopers, mites, aphids, and thrips. July 3, 1981.

EPA SLN No. AR 81 0045. Mobay Chemical Corp. Registration is for Furadan 3 GR, to be used on rice to control rice water weevils and mosquitoes. July 30, 1981.

EPA SLN No. AR 81 0046. Rohm and Haas. Registration is for Blazer 2S Herbicide, to be used on soybeans to control sicklepods. September 4, 1981.

EPA SLN No. AR 81 0047. Chevron Chemical Co. Registration is for Orthene 75S Soluble Powder, to be used on soybeans to control thrips. September 4, 1981.

EPA SLN No. AR 81 0048. Philips Roxane, Inc. Registration is for Anchor Permethrin 10 Percent EC II Long Lasting Livestock and Premise Spray, to be used on farm premises, large animals, small animals, poultry, and pets to control flies, lice, ticks, mites, and mosquitoes. September 4, 1981.

EPA SLN No. AR 81 0049. Philips Roxane, Inc. Registration is for Bioceutic Overtime L/P Long Acting Livestock and Premise Insecticide, to be used on farm premises, large animals, small animals, pets, and poultry, to control flies, lice, ticks, and mosquitoes. September 4, 1981.

EPA SLN No. AR 81 0050. Chevron Chemical Co. Registration is for Orthene 75S Soluble Powder, to be used on cotton to control fleahoppers, plantbugs, and thrips. September 14, 1981.

EPA SLN No. AR 81 0051. FMC Corp. Registration is for Furadan 4 FL, to be used on grain sorghum to control chinch bugs, greenbugs, and corn leaf aphids. October 2, 1981.

EPA SLN No. AR 81 0052. FMC Corp. Registration is for Furadan 4 FL, to be used on sorghum grown for grain and forage to control the greenbug, chinch bug, and corn leaf aphid. October 2, 1981.

EPA SLN No. AR 81 0053. Mobay Chemical Corp. Registration is for Sencor Sprayule 75 Percent Water Dispersible GR, to be used on soybeans to control sicklepod. November 12, 1981.

EPA SLN No. AR 81 0054. Mobay Chemical Corp. Registration is for Sencor 4 FL, to be used on soybeans to control sicklepod. November 12, 1981.

EPA SLN No. AR 81 0055. Mobay Chemical Corp. Registration is for Sencor 50 Percent WP, to be used on soybeans to control sicklepod. November 12, 1981.

EPA SLN No. AR 81 0056. Thompson-Hayward Chemical Co. Registration is for Freestyle Calcium Hypochlorite GR, to be used on fish hatchery ponds to control scavenger fish. November 12, 1981.

EPA SLN No. AR 81 0057. American Hoechst Corp. Registration is for Hoelon 3EC Herbicide to be used on annual ryegrass to control *lolium multiflorum* in wheat. November 12, 1981.

EPA SLN No. AR 81 0058. Fairfield American Corp. Registration is for Permanone Tick Repellent, to be used on outer clothing to control ticks, chiggers, and mosquitoes. December 7, 1981.

California

EPA SLN No. CA 81 0028. ICI Americas Inc. Registration is for Purina Hard Hitter WP, to be used in dairies, poultry houses, and horse stables to control house flies, stable flies, and other manure breeding flies. August 11, 1981.

EPA SLN No. CA 81 0030. FMC Corp. Registration is for Furadan 5 GR, to be used on rice to control the rice water weevil. April 20, 1981.

EPA SLN No. CA 81 0039. EM Industries, Inc. Registration is for Funginex EC, to be used on peaches, nectarines, apricots, cherries, plums, and prunes to control *monilinia brown rot blossom blight*. May 19, 1981.

EPA SLN No. CA 81 0040. U.S. Department of Agriculture. Registration is for SWASS

Pellets, to be used in California to control the screwworm fly. May 29, 1981.

EPA SLN No. CA 81 0041. Stanislaus County. Registration is for Erthrel Plant Regulator and Cepha Plant Regulator, to be used in a tank mix on boysenberries for uniform maturity of berries. June 5, 1981.

EPA SLN No. CA 81 0042. Modoc County Department of Agriculture. Registration is for Roundup, to be used on onions to control wild oats, lambsquarter, pigweed, mustard, purslane, bassia, and kochia. June 5, 1981.

EPA SLN No. CA 81 0043. California Department of Food and Agriculture. Registration is for DZN Diazinon 50W, to be used on crops on the registration label to control *Tephritidae*. June 10, 1981.

EPA SLN No. CA 81 0044. Mobay Chemical Corp. Registration is for Di-Syston 8, to be used on lettuce to control the lettuce root aphid. June 11, 1981.

EPA SLN No. CA 81 0048. California Department of Food and Agriculture. Registration is for Diazinon AG-4, to be used on crops on the registration label to control the fruit fly (*Tephritidae*). August 17, 1981.

EPA SLN No. CA 81 0047. California Department of Food and Agriculture. Registration is for Diazinon 40 WP, and Diazinon 4EC, to be used on crops listed on the registration label to control *Tephritidae*. August 17, 1981.

EPA SLN No. CA 81 0048. California Department of Food and Agriculture. Registration is for Diphos 4 EC, to be used on crops on the registration label to control *Tephritidae*. August 14, 1981.

EPA SLN No. CA 81 0049. California Department of Food and Agriculture. Registration is for Diazinon AG-500, to be used on crops on the registration label to control *Tephritidae*. August 29, 1981.

EPA SLN No. CA 81 0051. California Department of Food and Agriculture. Registration is for Aqua Malathion 8 and Malathion 25 Spray, to be used on commercial orchards, vines, and vegetable crops on the registration label to control *Tephritidae*. August 29, 1981.

EPA SLN No. CA 81 0052. California Department of Food and Agriculture. Registration is for Malawet 25W and Malathion 8 Aquamul, to be used on commercial orchards, vegetable crops and vines on the registration label to control *Tephritidae*. August 29, 1981.

EPA SLN No. CA 81 0053. California Department of Food and Agriculture. Registration is for Helena Brand Cythion 8 Lb. EC, to be used on commercial orchard, vegetable crops and vines to control the fruit fly. August 29, 1981.

EPA SLN No. CA 81 0054. California Department of Food and Agriculture. Registration is for Malathion 5 Emulsive and Malathion 8 Emulsive Insecticide, to be used on commercial orchard, vine, and vegetable crops listed on the registration label to control *Tephritidae*. August 29, 1981.

EPA SLN No. CA 81 0055. California Department of Food and Agriculture. Registration is for Hopkins Malathion 25 WP and Hopkins Malathion 57 Emulsifiable Liquid Insecticide, to be used on commercial orchard, vine, and vegetable crops listed on the registration label to control *Tephritidae*. August 29, 1981.

EPA SLN No. CA 81 0056. Chevron Chemical Co. Registration is for Ortho Fruit and Vegetable Insect Control, to be used on soil beneath host plants listed on the EPA label to control the Mediterranean fruit fly (larvae). July 28, 1981.

EPA SLN No. CA 81 0057. Chevron Chemical Co. Registration is for Ortho Diazinon Insect Spray, to be used on soil beneath host plants listed on the registration label to control the Mediterranean fruit fly (larvae). July 28, 1981.

EPA SLN No. CA 81 0058. Beacon Oil Co. Registration is for Beacon Selective Weed Killer No. 5, to be used on parsley, sweet anise to control weeds, and on peppers, tomatoes, and garlic to control preemergent weeds. July 31, 1981.

EPA SLN No. CA 81 0059. Madera County Agriculture Commissioner. Registration is for Sevin Sprayable, to be used on nonbearing pistachios to control armyworms. August 18, 1981.

EPA SLN No. CA 81 0060. Ciba-Geigy. Registration is for Spectracide Lawn and Garden Insect Control to be used on fruit and nut crops to control the Mediterranean fruit fly. August 19, 1981.

EPA SLN No. CA 81 0061. Stanislaus County. Registration is for Phostoxin Coated Pellets, Phostoxin New Coated Tablets, Degesch Phostoxin Coated Pellets, Degesch Phostoxin Coated Pellets—Prepac, and Degesch Phostoxin New Coated Tablets, to be used on almond hulls to control Mediterranean fruit fly. August 20, 1981.

EPA SLN No. CA 81 0062. Santa Barbara County. Registration is for Methyl Bromide Rodent Fumigant, to be used in California to control ground squirrels. September 16, 1981.

EPA SLN No. CA 81 0064. PPG Industries, Inc. Registration is for Furlbe Chloro IPC 20G, to be used on alfalfa seed and forage crops to control dodder. October 13, 1981.

EPA SLN No. CA 81 0065. California Department of Forestry. Registration is for Dursban 4E, to be used on felled, infected conifers to control bark beetles and borers. September 21, 1981.

EPA SLN No. CA 81 0066. Ciba-Geigy. Registration is for DZN Diazinon 14G, to be used on citrus to control ants. October 13, 1981.

EPA SLN No. CA 81 0067. Chevron Chemical Co. Registration is for Ortho Diazinon Insect Spray, to be used on fruits (strawberries, grapes, oranges, apples, peaches, cherries, and plums) to control the Mediterranean fruit fly. October 13, 1981.

EPA SLN No. CA 81 0068. Chevron Chemical Co. Registration is for Ortho Fruit and Vegetable Insect Control, to be used on fruit and nut crops to control the Mediterranean fruit fly. October 13, 1981.

EPA SLN No. CA 81 0074. Mobay Chemical Corp. Registration is for Guthion 50 Percent WP in Water Soluble Packets, to be used on cotton to control the pink bollworm. October 9, 1981.

EPA SLN No. CA 81 0075. Union Carbide Agricultural Products, Co., Inc. Registration is for Sevimol 4 Carbaryl Insecticide, to be used on walnuts to control the navel orangeworm. October 21, 1981.

EPA SLN No. CA 81 0076. Union Carbide Agricultural Products, Co., Inc. Registration is for Sevin XLR Carbaryl Insecticide, to be used on walnuts to control the navel orangeworm. October 21, 1981.

EPA SLN No. CA 81 0077. Union Carbide Agricultural Products, Co., Inc. Registration is for Sevin Sprayable Carbaryl Insecticide, to be used on walnuts to control the navel orangeworm. October 21, 1981.

EPA SLN No. CA 81 0078. Union Carbide Agricultural Products Co., Inc. Registration is for Sevin 50W Carbaryl Insecticide, to be used on walnuts to control navel orangeworm. October 21, 1981.

EPA SLN No. CA 81 0080. Fairfield American Corp. Registration is for Pyrenone Crop Spray, to be used on large areas to control the fruit fly (*Tephritidae*). November 16, 1981.

EPA SLN No. CA 81 0081. Custom Chemicides, Inc. Registration is for Cryolite-Sulfur 45/35 Dust, to be used on raisin or wine grapes and table grapes to control cutworms, the grape leafroller, orange tortrix, and western grape skeletonizer. December 29, 1981.

EPA SLN No. CA 81 0082. Del Norte County Department of Agriculture. Registration is for Asulox, to be used on non-crop land to control the Tansy ragwort. November 16, 1981.

EPA SLN No. CA 81 0083. E. I. du Pont de Nemours and Co. Registration is for Du Pont Velpar Weed Killer, to be used on established alfalfa to control weeds. November 17, 1981.

EPA SLN No. CA 81 0084. E. I. du Pont de Nemours and Co. Registration is for Du Pont Velpar L Weed Killer, to be used on established alfalfa to control weeds. November 17, 1981.

EPA SLN No. CA 81 0088. County of San Luis Obispo-Department of Agriculture. Registration is for Omite 30W, to be used on non-bearing avocados to control the six-spotted mite. November 30, 1981.

EPA SLN No. CA 81 0089. San Diego County Department of Agriculture. Registration is for Du Pont Lorox, to be used on celery to control weeds. November 30, 1981.

EPA SLN No. CA 81 0090. Pennwalt Corp. Registration is for Kryocide Insecticide, to be used on lettuce to control the cabbage looper, corn earworm, and tobacco budworm. December 9, 1981.

Colorado

EPA SLN No. CO 81 0011. Velsicol Chemical Corp. Registration is for Banvel, to be used between cropping system uses to control broadleaf weeds. May 20, 1981.

EPA SLN No. CO 81 0012. Shell Chemical Co. Registration is for Vendex 4L Miticide, to be used on apples, pears, greenhouse and outdoor ornamentals (including nursery stock, flowers, and plants grown for propagation purposes) to control mites. June 2, 1981.

EPA SLN No. CO 81 0013. Mobay Chemical Corp. Registration is for Sencor Sprayule, to be used after wheat harvest or before wheat planting to control weeds. June 2, 1981.

EPA SLN No. CO 81 0014. Mobay Chemical Corp. Registration is for Sencor 4 FL, to be

used after wheat harvest or before wheat planting to control weeds. June 2, 1981.

EPA SLN No. CO 81 0015. Mobay Chemical Corp. Registration is for Sencor 50 Percent WP, to be used after wheat harvest or before wheat planting to control weeds. June 2, 1981.

EPA SLN No. CO 81 0016. FMC Corp. Registration is for Pounce 3.2 EC, to be used on cotton to control the bollworm, cotton leaf perforator, Lygus bug, pink bollworm, tobacco budworm, and boll weevil. June 2, 1981.

EPA SLN No. CO 81 0017. Dow Chemical USA. Registration is for Lorsban 4E, to be used on sweet corn to control armyworms and corn earworms. June 2, 1981.

EPA SLN No. CO 81 0018. Chevron Chemical Co. Registration is for Orthene 75 S, to be used on field borders, fence rows, roadsides, borrow pits, and ditchbanks to control grasshoppers. June 2, 1981.

EPA SLN No. CO 81 0019. Stoller Chemical Co. Registration is for That Big Flowable Sulfur, to be used on corn, sorghum, and small grains to control mites. June 16, 1981.

EPA SLN No. CO 81 0020. Griffin Corp. Registration is for Nu-Bait II, to be used on malting barley to control cutworm and armyworm. June 17, 1981.

EPA SLN No. CO 81 0021. Stoller Chemical Co., Inc. Registration is for That Big 8 Flowable Sulfur, to be used on sugar beets to control powdery mildew. June 16, 1981.

EPA SLN No. CO 81 0022. American Cyanamid. Registration is for Cythion Insecticide and Malathion, to be used on clover, pasture, range grass, grass, grass hay, and non-agricultural land to control grasshoppers. August 27, 1981.

EPA SLN No. CO 81 0023. American Cyanamid. Registration is for Malathion ULV Concentrate, to be used on clover, pasture, range grass, grass, grass hay, and non-agricultural land to control grasshoppers. August 27, 1981.

EPA SLN No. CO 81 0024. Mobay Chemical Corp. Registration is for Sencor DF, to be used in wheat/fallow/wheat rotation to control pigweed, mustards, downy brome, Russian thistle, kochia, lambsquarter, volunteer wheat, and wild sunflower. September 2, 1981.

EPA SLN No. CO 81 0025. PPG Industries. Registration is for Chem Hoe 135 FL 3, to be used in wheat/fallow/wheat rotation to control weeds. September 2, 1981.

Connecticut

EPA SLN No. CT 81 0006. Chevron Chemical Co. Registration is for Ortho Parquat CL, to be used on alfalfa to control annual grasses and broadleaf weeds. May 22, 1981.

EPA SLN No. CT 81 0007. Mobay Chemical Corp. Registration is for Furadan 4 F1 to be used on pure seeded alfalfa to control volover root curculio, nematodes, potato leafhopper, and alfalfa blotch leafminer. July 8, 1981.

EPA SLN No. CT 81 0008. Mobay Chemical Corp. Registration is for Furadan 10 G, to be used on pure seeded alfalfa to control clover root curculio, nematodes, potato leafhopper, and alfalfa blotch leafminer. July 8, 1981.

EPA SLN No. CT 81 0009. O. M. Scott and Sons. Registration is for Proturf Insecticide, to be used on turfgrass to control insects. December 14, 1981.

Delaware

EPA SLN No. DE 81 0012. Chevron Chemical Co. Registration is for Ortho Parquat CL, to be used on alfalfa to control weeds. June 30, 1981.

EPA SLN No. DE 81 0013. Penick Corp. Registration is for SBP-1382 4.22 MF Mineral Oil Spray, to be used on recreational, residential, and municipal areas to control mosquitoes. August 3, 1981.

Florida

EPA SLN No. FL 81 0016. Philips Roxane, Inc. Registration is for Anchor Permethrin 10 Percent EC, to be used on livestock and poultry premises to control house, face, stable, and false stable flies. June 2, 1981.

EPA SLN No. FL 81 0020. Ralston Purina Co. registration is for Purina Hard Hitter WP, to be used on livestock and poultry premises to control house and stable flies. June 3, 1981.

EPA SLN No. FL 81 0021. Diamond Shamrock Corp. Registration is for Amine 6D, to be used on quiescent or slow moving waters to control water hyacinth. June 26, 1981.

EPA SLN No. FL 81 0022. Diamond Shamrock Corp. Registration is for Amine 4D, to be used on slow moving waters to control water hyacinth. June 26, 1981.

EPA SLN No. FL 81 0023. Reese Citrus Insulators, Inc. Registration is for Citrus Insulator Containing Diazinon, to be used on young citrus trees to control ants, crickets, roaches, wasps, hornets, and to prevent freezing. June 29, 1981.

EPA SLN No. FL 81 0024. E. I. du Pont de Nemours and Co. Registration is for Du Pont Lexone 4L Weed Killer to be used on soybeans to control sicklepod. July 7, 1981.

EPA SLN No. FL 81 0025. E. I. du Pont de Nemours and Co. Registration is for Du Pont Lexone DF Weed Killer to be used on soybeans to control sicklepod. July 7, 1981.

EPA SLN No. FL 81 0026. E. I. du Pont de Nemours and Co. Registration is for Du Pont Lexone Weed Killer to be used on soybeans to control sicklepod. July 7, 1981.

EPA SLN No. FL 81 0027. Florida Citrus Groves Corp. Registration is for FCGC—Oil, to be used on citrus to control Florida red scale, purple scale, soft brown scale, and whiteflies. June 17, 1981.

EPA SLN No. FL 81 0028. Mobay Chemical Corp. Registration is for Furadan 10 GR, to be used on field corn to control the lesser corn stalk borer. July 24, 1981.

EPA SLN No. FL 81 0029. Mobay Chemical Corp. Registration is for Furadan 10 GR, to be used on flue-cured tobacco to control the green peach aphod. July 24, 1981.

EPA SLN No. FL 81 0030. Mobay Chemical Corp. Registration is for Furadan 10 GR, to be used on peppers to control sting nematodes. July 24, 1981.

EPA SLN No. FL 81 0031. Mobay Chemical Corp. Registration is for Furadan 10 GR, to be used on potatoes to control nematodes and corky ring spot. July 24, 1981.

EPA SLN No. FL 81 0032. Asgrow Florida Co. Registration is for Asgrow MBC 2-1, to be used as a preplant soil fumigation of seeded and transplanted peppers to control diseases and nematodes. July 29, 1981.

EPA SLN No. FL 81 0033. Mobay Chemical Corp. Registration is for Monitor 4, to be used on eggplants to control spider mites, aphids, leaf miners, and lepidopterous larvae. August 17, 1981.

EPA SLN No. FL 81 0034. Mobay Chemical Corp. Registration is for Monitor 4, to be used on melons to control leaf miners, pickleworms, melonworms, rindworms, and complex (cabbage looper, tobacco budworm, and granulate cutworm). August 17, 1981.

EPA SLN No. FL 81 0035. American Cyanamid. Registration is for Cythion Insecticide and Malathion ULV Concentrate, to be used in Florida to control mosquitoes. September 18, 1981.

EPA SLN No. FL 81 0036. Chempar Products. Registration is for Rozol Laq Berry Field Rat and Mouse Bait, to be used on non-crop areas around non-food producing fields, to control field Norway rats, roof rats, cotton rats, and mice. September 18, 1981.

EPA SLN No. FL 81 0037. Dow Chemical USA. Registration is for DMA 4 Herbicide, to be used on ponds, lakes, reservoirs, marshes, bayous, drainage ditches, canals, rivers, and streams that are aquiescent to control water hyacinth. October 12, 1981.

EPA SLN No. FL 81 0038. FFF Lawn Care Products. Registration is for St. Augustine Weed and Feed, to be used on turf to control weeds. October 14, 1981.

EPA SLN No. FL 81 0039. Chevron Chemical Co. Registration is for Difolatan 4 FL, to be used on oranges, grapefruit, tangerines, lemons, and limes to control scab, melanose, and rust mites. October 22, 1981.

EPA SLN No. FL 81 0040. Penick Corp. Registration is for SBP-1382-40 MF "Z", to be used in Florida to control mosquitoes. October 22, 1981.

EPA SLN No. FL 81 0041. Penick Corp. Registration is for SBP-1382-40 MF "Z", to be used in Florida to control mosquitoes. October 22, 1981.

EPA SLN No. FL 81 0042. E. I. du Pont de Nemours and Co. Registration is for Du Pont Vydate L Insecticide/Nematicide, to be used on cucurbits to control leaf miners and aphids. October 22, 1981.

EPA SLN No. FL 81 0043. Chevron Chemical Co. Registration is for Ortho Monitor 4 Spray, to be used on cucumbers to control pickleworms, aphids, melonworms, and leaf miners. November 13, 1981.

EPA SLN No. FL 81 0044. Chevron Chemical Co. Registration is for Orthene 75 S Soluble Powder, to be used on commercial turf and golf courses to control the sod webworm and leafhopper. November 13, 1981.

EPA SLN No. FL 81 0045. ICI Americas Inc. Registration is for Ectiban EC, to be used in poultry houses to control livestock and poultry flies. November 13, 1981.

EPA SLN No. FL 81 0046. Rohm and Haas Co. Registration is for Dithane M-45, to be used on wheat to control wheat rust. November 13, 1981.

EPA SLN No. FL 81 0047. Chemspray Inc. Registration is for Chemspray Brand Citrus Oil Spray, to be used on citrus to control Florida red scale, purple scale, whiteflies, and spider mites. November 20, 1981.

EPA SLN No. FL 81 0048. Chevron Chemical Co. Registration is for Ortho

Monitor 4 Spray, to be used on cabbage to control cabbage loopers, imported cabbageworms, diamondback moth larvae, and aphids. December 7, 1981.

Georgia

EPA SLN No. GA 81 0029. Dow Chemical USA. Registration is for Dowfume-100, Dowfume W-90, and Dowfume W-85, to be used on soybeans to control nematodes (lance, root-knot, spiral, and sting). May 28, 1981.

EPA SLN No. GA 81 0030. Dow Chemical USA. Registration is for Lorsban 4E, to be used on sorghum to control the lesser cornstalk borer. June 18, 1981.

EPA SLN No. GA 81 0031. Mobay Chemical Corp. Registration is for Guthion 2 FL, to be used on cotton to control cotton insects. July 6, 1981.

EPA SLN No. GA 81 0032. FMC Corp. Registration is for Pounce 3.2 EC, to be used on cotton to control the bollworm and tobacco budworm. August 6, 1981.

EPA SLN No. GA 81 0033. ICI Americas, Inc. Registration is for Ambush EC, to be used on cotton to control the bollworm and tobacco budworm. August 10, 1981.

EPA SLN No. GA 81 0034. Shell Chemical Co. Registration is for Pydrin 2.4 EC, to be used on cotton to control the bollworm and tobacco budworm. August 11, 1981.

EPA SLN No. GA 81 0035. Richmond County Health Department. Registration is for Rat and Mouse Bait, to be used as bait for rats and mice. December 22, 1981.

EPA SLN No. HI 81 0002. Mobay Chemical Corp. Registration is for Sencor 50 Percent WP, to be used on Bermuda grass turf to control goosegrass. May 21, 1981.

EPA SLN No. HI 81 0005. GAF Corp. Registration is for CEPHA, to be used on pineapple for flower bud initiation. August 25, 1981.

EPA SLN No. HI 81 0006. GAF Corp. Registration is for CEPHA, to be used on pineapple for fruit ripening. August 25, 1981.

EPA SLN No. HI 81 0007. Velsicol Chemical Corp. Registration is for Gold Crest C-100, to be used on underground electric cables and ductwork to control termites. September 29, 1981.

EPA SLN No. HI 81 0008. Pennwalt Corp. Registration is for Knox Out 2FM Insecticide, to be used on any area to be protected to control scavenger yellowjackets. July 21, 1981.

EPA SLN No. HI 81 0009. E. I. du Pont de Nemours and Co. Registration is for Du Pont Vydate L Insecticide/Nematicide, to be used on pineapple to control reniform and root-knot nematodes. August 7, 1981.

EPA SLN No. HI 81 0010. Rohm and Haas Co. Registration is for Dithane Z-78, to be used on guava to control leaf spot and dry rot. August 24, 1981.

EPA SLN No. HI 81 0011. Pineapple Growers Association of Hawaii. Registration is for Roundup, to be used on pineapples to control weeds. September 30, 1981.

EPA SLN No. HI 81 0012. Pennwalt Corp. Registration is for PennCap-M, to be used on chrysanthemums to control leaf miners. September 28, 1981.

EPA SLN No. HI 81 0013. E. I. du Pont de Nemours and Co. Registration is for Du Pont

Vydate L Insecticide/Nematicide, to be used on cucurbits to control leaf miners, nematodes (root-knot, lesion, ring, sting, and stunt) in Hawaii. November 6, 1981.

Idaho

EPA SLN No. ID 81 0030. E. I. du Pont de Nemours and Co. Registration is for Du Pont Lexone, to be used on winter and spring barley to control annual weeds. May 20, 1981.

EPA SLN No. ID 81 0031. E. I. du Pont de Nemours and Co. Registration is for Du Pont Lexone 4L, to be used on winter and spring barley to control annual weeds. May 20, 1981.

EPA SLN No. ID 81 0032. E. I. du Pont de Nemours and Co. Registration is for Du Pont Lexone DF, to be used on winter and spring barley to control annual weeds. May 20, 1981.

EPA SLN No. ID 81 0033. Burroughs Wellcome Co. Registration is for Atroban Cattle Ear Tags, to be used on dairy and beef cattle and calves to control horn flies, face flies, ticks, spinose ear ticks, stable flies, and house flies. May 27, 1981.

EPA SLN No. ID 81 0034. Burroughs Wellcome Co. Registration is for Atroban WP, to be used on livestock and poultry premises to control house flies, stable flies, and *Fannia* spp. June 8, 1981.

EPA SLN No. ID 81 0035. Y-Tex Corp. Registration is for GardStar, to be used on beef and dairy cattle, including dairy cattle and calves to control horn flies, face flies, spinose ear ticks, stable flies, and house flies. June 9, 1981.

EPA SLN No. ID 81 0036. The Chas. H. Lilly Co. Registration is for Miller's Lindane 75W, to be used on lentil (seed treatment only) to control wireworms and seed corn maggots. June 11, 1981.

EPA SLN No. ID 81 0037. Penick Corp. Registration is for Pramex 13.3 Percent EC, to be used on chrysanthemums grown in greenhouses and slathouses to control leaf miners. June 11, 1981.

EPA SLN No. ID 81 0038. Dow Chemical USA. Registration is for Lorsban 4E Insecticide, to be used on sugar beets to control cutworms. June 11, 1981.

EPA SLN No. ID 81 0039. E. I. du Pont de Nemours and Co. Registration is for Benlate, to be used on beans to control sclerotinia white mold. June 19, 1981.

EPA SLN No. ID 81 0040. Diamond Shamrock Corp. Registration is for Rabon Oral Larvicide 7.76 Percent Pre-Mix, to be used on mink feed to control fecal fly larvae. June 24, 1981.

EPA SLN No. ID 81 0041. Velsicol Chemical Corp. Registration is for Banvel Herbicide, to be used between cropping systems to control weeds. August 28, 1981.

EPA SLN No. ID 81 0042. Mobay Chemical Corp. Registration is for Furadan 4 FL, to be used on potatoes to control the Colorado potato beetle. July 21, 1981.

EPA SLN No. ID 81 0043. Chevron Chemical Co. Registration is for Ortho Paraquat CL, to be used on potatoes to control preemergent weeds and grasses. August 4, 1981.

EPA SLN No. ID 81 0044. Wilbur-Ellis Co. Registration is for Red-Top Ben-Sul 60 Dust, to be used on tomatoes to control powdery mildew. August 5, 1981.

EPA SLN No. ID 81 0047. U.S. Department of the Interior. Registration is for Strychnine Paste 1.6 Percent, to be used on field edges to control black-tailed jackrabbits. October 13, 1981.

EPA SLN No. ID 81 0048. Stauffer Chemical Co. Registration is for Prefar 4-E, to be used on spring-planted onions to control lambsquarters, redroot pigweed, and watergrass. October 19, 1981.

Illinois

EPA SLN No. IL 81 0011. Diamond Shamrock Corp. Registration is for Oftanol 5 Percent GR, to be used on turf grasses to control insects. June 24, 1981.

EPA SLN No. IL 81 0012. Ciba-Geigy Corp. Registration is for Princep 4G, to be used to be used transplanted tree seedlings to control weeds. June 24, 1981.

EPA SLN No. IL 81 0015. Burroughs Wellcome Co. Registration is for Atroban Cattle Ear Tags, to be used as ear tags for livestock fly control. September 30, 1981.

EPA SLN No. IL 81 0016. Burroughs Wellcome Co. Registration is for Atroban WP, to be used on livestock and poultry premises to control the house fly, stable fly, and *Fannia* spp. September 30, 1981.

EPA SLN No. IL 81 0017. Y-TEX Corp. Registration is for Gardstar, to be used as ear tags to control horn flies, face flies, and ticks on beef and dairy cattle. September 30, 1981.

Indiana

EPA SLN No. IN 81 0019. Mobay Chemical Corp. Registration is for Mesuro 50 Percent Hopper-Box Treater, to be used on newly planted corn to control small rodents and birds. May 22, 1981.

EPA SLN No. IN 81 0020. Mobay Chemical Corp. Registration is for Mesuro 75 Percent WP, to be used on blueberries to control the blueberry maggot and pest birds. May 28, 1981.

EPA SLN No. IN 81 0021. Velsicol Chemical Corp. Registration is for Banvel, to be used between cropping systems to control weeds. May 28, 1981.

EPA SLN No. IN 81 0022. Stauffer Chemical Co. Registration is for Dyfonate 4 EC, to be used on field corn, sweet corn, and popcorn to control northern, western, and southern corn rootworm. June 15, 1981.

EPA SLN No. IN 81 0023. Mobay Chemical Corp. Registration is for Furadan 4 FL, to be used on field corn to control corn rootworm larvae. July 13, 1981.

EPA SLN No. IN 81 0024. Cargill, Inc. Registration is for RTU-1010 Small Grains Seed Protectant, to be used on wheat, oat, and barley to control seed and seedling diseases/ smut and bunt. August 27, 1981.

EPA SLN No. IN 81 0025. FMC Corp. Registration is for Pounce 3.2 EC, to be used on chrysanthemums to control the leaf miner. Registration became effective on October 9, 1981.

EPA SLN No. IN 81 0026. Philips Roxane, Inc. Registration is for Anchor Premectrin 10 Percent EC II Long Lasting Livestock and Premise Spray, to be used on livestock and poultry and their premises to control northern fowl mites on poultry. November 18, 1981.

EPA SLN No. IN 81 0027. Philips Roxane, Inc. Registration is for Bioceutic Overtime L/

P Long Acting Livestock and Premise Insecticide, to be used on livestock and poultry and their premises to control northern fowl mites on poultry. November 18, 1981.

EPA SLN No. IN 81 0028. FMC Corp. Registration is for Furadan 4 FL, to be used on non-bearing apple, peach, and cherry trees to control nematodes. November 20, 1981.

EPA SLN No. IN 81 0029. FMC Corp. Registration is for Furadan 10 GR, to be used on non-bearing peach, apple, and cherry trees to control nematodes. November 20, 1981.

Iowa

EPA SLN No. IA 81 0012. Dow Chemical USA. Registration is for Lorsban 15G, to be used on field corn to control European corn borers. June 2, 1981.

EPA SLN No. IA 81 0013. The Freers Co. Registration is for Frees Oak Wilt, to be used on elm trees to control oak wilt. June 2, 1981.

EPA SLN No. IA 81 0014. Burroughs Wellcome Co. Registration is for Atroban Cattle Ear Tags, to be used on dairy and beef cattle and calves to control horn flies, face flies, gulf coast ticks, spinose ear ticks and as an aid to control stable flies and house flies. October 1, 1981.

Kansas

EPA SLN No. KS 81 0029. Dow Chemical USA. Registration is for Lorsban 15G GR Insecticide, to be used on field corn to control first generation European corn borers. July 14, 1981.

EPA SLN No. KS 81 0030. Stroller Chemical Co. Registration is for That Big 8 Flowable Sulfur, to be used on sugar beets control powdery mildew. August 12, 1981.

EPA SLN No. KS 81 0031. Uniroyal Chemical. Registration is for Comite to be used on corn to control Banks grass mites. August 24, 1981.

EPA SLN No. KS 81 0032. Mobay Chemical Corp. Registration is for Oftanol 5 Percent GR, to be used on turf grasses to control insects. November 2, 1981.

EPA SLN No. KS 81 0033. Helena Chemical Co. Registration is for Aatram 20G, to be used on corn and sorghum to control weeds. November 10, 1981.

EPA SLN No. KS 81 0034. Shell Chemical Co. Registration is for Bladex 4L, to be used on field corn to control annual grasses and broadleaf weeds. December 18, 1981.

EPA SLN No. KS 81 0035. Shell Chemical Co. Registration is for Bladex 80W, to be used on field corn to control annual grasses and broadleaf weeds. December 18, 1981.

Louisiana

EPA SLN No. LA 81 0022. Sandoz, Inc. Registration is for Solicam 80 WP, to be used on peaches (orchard floor) to control grass and broadleaf weeds. May 19, 1981.

EPA SLN No. LA 81 0023. Louisiana Forestry Commission. Registration is for Caparol, to be used on loblolly pine and slash pine to control annual grasses and annual broadleaf weeds. May 19, 1981.

EPA SLN No. LA 81 0024. Mobay Chemical Corp. Registration is for Guthion 2 FL, to be used on sugarcane to control the sugarcane borer. May 29, 1981.

EPA SLN No. LA 81 0025. Micro Chemical Co., Inc. Registration is for Triple Kill 5 "L", to be used on cotton to control cotton insects. June 23, 1981.

EPA SLN No. LA 81 0026. Micro Chemical Co., Inc. Registration is for Triple Kill B6, to be used on cotton to control thrips, certain spider mites, cotton fleahoppers, boll weevils, bollworm, yellow striped armyworms, garden webworm, and Mexican bean beetle. June 23, 1981.

EPA SLN No. LA 81 0027. Shell Chemical Co. Registration is for Pydrin Insecticide 2.4 EC, to be used on cotton to control the cotton bollworm, tobacco budworm, Lygus bug, cabbage looper, beet armyworm, boll weevil, and whitefly. June 30, 1981.

EPA SLN No. LA 81 0028. FMC Corp. Registration is for Pounce 3.2 EC, to be used on cotton to control the bollworm, tobacco budworm, cabbage looper, cotton leaf perforator, boll weevil, cotton fleahopper, Lygus bug, and tarnished plant bug. June 30, 1981.

EPA SLN No. LA 81 0029. ICI Americas Inc. Registration is for Ambush EC, to be used on cotton to control the boll weevil, tobacco budworm, cabbage looper, bollworm, Lygus bug, cotton aphid, whitefly. June 30, 1981.

EPA SLN No. LA 81 0030. E. I. du Pont de Nemours and Co. Registration is for Du Pont Lexone Weed Killer, to be used on soybeans to control postemergent weeds. July 6, 1981.

EPA SLN No. LA 81 0031. E. I. du Pont de Nemours and Co. Registration is for Du Pont Lexone Weed Killer, to be used on soybeans to control postemergent weeds. July 6, 1981.

EPA SLN No. LA 81 0032. E. I. du Pont de Nemours and Co. Registration is for Du Pont Lexone DF Weed Killer, to be used on soybeans to control postemergent weeds. July 6, 1981.

EPA SLN No. LA 81 0033. E. I. du Pont de Nemours and Co. Registration is for Du Pont Lannate L Insecticide, to be used on oranges and tangerines to control whiteflies. July 10, 1981.

EPA SLN No. LA 81 0034. Dow Chemical USA. Registration is for Lorsban 4E Insecticide, to be used on cotton to control spider mites. July 10, 1981.

EPA SLN No. LA 81 0035. Velsicol Chemical Corp. Registration is for Banvel 720, to be used on open bodies of water in non-cropland transient ditches, irrigation, drainage ditches, and canals to control aquatic weeds. July 14, 1981.

EPA SLN No. LA 81 0036. Red Panther Chemical Co. Registration is for Red Panther Imidan 5 Dust, to be used on sweet potatoes to control the sweet potato weevil. July 16, 1981.

EPA SLN No. LA 81 0037. E. I. du Pont de Nemours and Co. Registration is for Du Pont Lannate Insecticide, to be used on oranges and tangerines to control whiteflies. July 31, 1981.

EPA SLN No. LA 81 0038. Blackhawk Chemical Corp. Registration is for Naled 85 Concentrate, to be used on residential and municipal areas, tidal marshes, swamps, woodlands, and livestock pastures to control mosquitoes. August 14, 1981.

EPA SLN No. LA 81 0039. Penick Corp. Registration is for SBP-1382 4.22 MF Mineral

Oil Spray, to be used on parks, campsites, woodlands, athletic fields, golf courses, swamps, tidal marshes, and residential and municipal areas to control mosquitoes. August 25, 1981.

EPA SLN No. LA 81 0040. Union Carbide Agricultural Products Co., Inc. Registration is for Weedone 2,4-DP Woody Plant Herbicide, to be used on loblolly pine plantations to control hardwood brush and broadleaf weeds. September 10, 1981.

EPA SLN No. LA 81 0041. Elanco Products Co. Registration is for Treflan EC, to be used on soybeans to control weeds and red rice. September 10, 1981.

EPA SLN No. LA 81 0042. Mobay Chemical Corp. Registration is for Bolstar 6, to be used on cotton to control the tobacco budworm, cotton bollworm, Lygus bug, fall and beet armyworm, pink bollworm, fleahopper, whitefly, spider mite, and plant bug. September 10, 1981.

EPA SLN No. LA 81 0043. Red Panther Chemical Co. Registration is for Red Panther Sodium Chlorate, to be used on soybeans as a weed desiccant. September 28, 1981.

EPA SLN No. LA 81 0044. Dow Chemical USA. Registration is for Dowpon M Grass Killer, to be used on cotton to control Bermuda grass. October 6, 1981.

EPA SLN No. LA 81 0045. Mobay Chemical Corp. Registration is for Sencor 4 FL, to be used on soybeans to control sicklepod. December 1, 1981.

EPA SLN No. LA 81 0046. Mobay Chemical Corp. Registration is for Sencor 50 Percent WP, to be used on soybeans to control sicklepod. December 1, 1981.

EPA SLN No. LA 81 0047. Mobay Chemical Corp. Registration is for Sencor Sprayule 75 Percent Water Dispersible GR, to be used on soybeans to control sicklepod. December 1, 1981.

Maine

EPA SLN No. ME 81 0006. Chevron Chemical Co. Registration is for Ortho Paraquat CL, to be used on alfalfa to control annual grasses, broadleaf weeds, plants, on July 7, 1982. September 14, 1981.

Maryland

EPA SLN No. MD 81 0002. Shell Chemical Co. Registration is for Shells Bladex 80 W, to be used on field corn to control annual grasses and broadleaf weeds.

EPA SLN No. MD 81 0019. Chevron Chemical Corp. Registration is for Ortho Paraquat CL, to be used on alfalfa to control weeds between cuttings. June 8, 1981.

EPA SLN No. MD 81 0020. Mobay Chemical Corp. Registration is for Furadan 4E FL, to be used on Maryland-type tobacco to control flea beetles, hornworms, wireworms, nematodes, and early season aphids. June 8, 1981.

EPA SLN No. MD 81 0021. Mobay Chemical Corp. Registration is for Furadan 10 GR, to be used on Maryland-type tobacco to control flea beetles, hornworms, wireworms, nematodes, and early season aphids. June 8, 1981.

EPA SLN No. MD 81 0022. Penick Corp. Registration is for SBP-1382 4.22 MF Mineral Oil Spray, to be used on recreational, residential, and municipal areas to control mosquitoes. September 2, 1981.

EPA SLN No. MD 81 0023. Chevron Chemical Co. Registration is for Dibrom 14 Concentrate, to be used in Maryland to control mosquitoes. September 14, 1981.

Massachusetts

EPA SLN No. MA 81 0001. Penick Corp. Registration is for SBP-1382-40MF "Z", to be used on recreational and residential areas, municipalities, and overgrown waste areas to control mosquitoes. June 16, 1981.

Michigan

EPA SLN No. MI 81 0019. International Chemicals Group, Inc. Registration is for Solvit Brand Nitrofir 25E, to be used on broccoli, brussels sprouts, cabbage, cauliflower, horseradish, onion (dry bulk only), parsley, sugar beets, carnations, chrysanthemums, stocks, and non-crop areas to control weeds. May 20, 1981.

EPA SLN No. MI 81 0020. EM Industries, Inc. Registration is for Funginex EC 18.2 Percent, to be used on cherries to control cherry brown rot and cherry leaf spot. June 12, 1981.

EPA SLN No. MI 81 0022. Rohm and Haas. Registration is for Goal 2E Herbicide, to be used as a dormant application on peaches, plums, prunes, and grapes to control weeds. July 31, 1981.

EPA SLN No. MI 81 0023. Velsicol Chemical Co. Registration is for Banvel Herbicide, to be used between cropping systems to control broadleaf weeds. July 31, 1981.

EPA SLN No. MI 81 0024. Hopkins Agricultural Chemical Co. Registration is for Hopkins Quintar 5F, to be used on tomatoes to control late blight, early blight, greymold, anthracnose, and grey leaf spot. September 9, 1981.

EPA SLN No. MI 81 0025. FMC Corp. Registration is for Furadan 4 FL, to be used on non-bearing peach, nectarine, apple, apricot, cherry, and plum trees to control nematodes. October 29, 1981.

EPA SLN No. MI 81 0026. FMC Corp. Registration is for Furadan 10 GR, to be used on non-bearing peach, nectarine, apple, apricot, cherry, and plum trees to control nematodes. October 29, 1981.

EPA SLN No. MI 81 0027. Stauffer Chemical Co. Registration is for Dyfonate 10-G Insecticide, to be used on asparagus to control the white cutworm. December 10, 1981.

EPA SLN No. MI 81 0028. Monsanto Co. Registration is for Roundup, to be used on apples, cherries, and grapes to control annual and perennial weeds. December 15, 1981.

Minnesota

EPA SLN No. MN 81 0017. Hopkins Agricultural Chemical Co. Registration is for Hopkins Sevin Carbaryl Bait, to be used on sunflowers to control cutworms and grasshoppers. June 12, 1981.

EPA SLN No. MN 81 0018. Platte Chemical Co. Registration is for Clean Crop Sevin 5 Bait, to be used on sunflowers to control cutworms and grasshoppers. June 12, 1981.

EPA SLN No. MN 81 0019. Dow Chemical U.S.A. Registration is for Dursban 2E, to be used on cut elm logs to control the native elm bark beetle and smaller European elm bark beetle. July 17, 1981.

EPA SLN No. MN 81 0020. Monsanto Co. Registration is for GR Far-Go, to be used on spring barley and spring or durum wheat to control wild oats. December 9, 1981.

EPA SLN No. MN 81 0021. Ralston Purina Co. Registration is for Purina Hard Hitter EC, to be used on livestock and poultry premises to control house flies, stable flies, and other manure breeding flies. December 15, 1981.

EPA SLN No. MN 81 0022. Ralston Purina Co. Registration is for Purina Hard Hitter WP, to be used on livestock and poultry premises to control house flies, stable flies, and other manure breeding flies. December 15, 1981.

Mississippi

EPA SLN No. MS 81 0037. Valley Chemical Co. Registration is for DSMA 4, to be used on cotton to control the boll weevil, bollworm, tobacco budworm, Lygus bug, cabbage looper, cotton aphid, and whitefly. May 1, 1981.

EPA SLN No. MS 81 0038. Dow Chemical USA. Registration is for Lorsban 4E, to be used on cotton to control wireworms. May 20, 1981.

EPA SLN No. MS 81 0039. Valley Chemical Co. Registration is for Toxaphene EC No. 6, to be used on soybeans to control sicklepod (*Cassia obtusifolia*). May 26, 1981.

EPA SLN No. MS 81 0040. Shell Chemical Co. Registration is for Pydrin 2.4 EC, to be used on cotton to control the cotton bollworm, tobacco budworm, and boll weevil. May 28, 1981.

EPA SLN No. MS 81 0041. Mobay Chemical Corp. Registration is for Furadan 10 G, to be used on young southern pine plantations and pines planted for Christmas trees to control the Nantucket pine tip moth. May 29, 1981.

EPA SLN No. MS 81 0042. Red Panther Chemical Co. Registration is for Red Panther DSMA Special, to be used as a preemergent treatment of cotton to control weeds. June 4, 1981.

EPA SLN No. MS 81 0043. Mobay Chemical Corp. Registration is for Furadan 10 G, to be used on sugarcane to control the sugarcane beetle. June 2, 1981.

EPA SLN No. MS 81 0044. Dow Chemical USA. Registration is for Dowpon M, to be used on cotton to control Bermuda grass. June 5, 1981.

EPA SLN No. MS 81 0045. FBC Chemicals, Inc. Registration is for Attac 6 and Attac 8, to be used in a ground or aerial application on cotton to control *Heliothis* spp. and other cotton insects listed on the registration labels. June 5, 1981.

EPA SLN No. MS 81 0046. FBC Chemicals. Registration is for Attac 6 and Attac 8, to be used on soybeans to control sicklepod (*Cassia obtusifolia*). June 11, 1981.

EPA SLN No. MN 81 0047. Rohm and Haas Co. Registration is for Blazer 2S, to be used on soybeans to control sicklepod. June 11, 1981.

EPA SLN No. MS 81 0048. Gustafson, Inc. Registration is for Lorsban 50-SL, to be used on stored cotton planting seed to control red flour beetle, rice weevil, sawtoothed grain beetles, Indian meal moth, Angoumois grain moth, and cigarette beetles. July 11, 1981.

EPA SLN No. MS 81 0049. Red Panther Chemical Co. Registration is for Red Panther

Imidan 5 Dust, to be used on sweet potatoes to control sweet potato weevils. July 31, 1981.

EPA SLN No. MS 81 0050. Velsicol Chemical Corp. Registration is for Tiovel 3 EC, to be used on sweet potatoes to control sweet potato weevils. July 13, 1981.

EPA SLN No. MS 81 0053. Dow Chemical USA. Registration is for Dowfume-100, Dowfume-90, and Dowfume-85, to be used on soybeans to control lance root-knot, spiral, sting, and cyst nematodes. July 22, 1981.

EPA SLN No. MS 81 0054. Chevron Chemical Co. Registration is for Orthocide 50 WP and Orthocide 80 WP, to be used on soybeans to control Cercospora frogeye leafspot, Septoria brown spot, diportha pod and stem blight, anthracnose and purple seed stain. July 23, 1981.

EPA SLN No. MS 81 0055. Mobay Chemical Corp. Registration is for Monitor, to be used on cotton to control aphids, fleahoppers, whiteflies, beet armyworms, cabbage loopers, mites, and thrips. July 28, 1981.

EPA SLN No. MS 81 0056. Chevron Chemical Co. Registration is for Orthene 75S Soluble Powder, to be used on cotton to control fleahoppers, plantbugs, and thrips. July 22, 1981.

EPA SLN No. MS 81 0057. Mobay Chemical Corp. Registration is for Sencor Sprayule 75 Percent Water Dispersible G, to be used on soybeans to control sicklepod. September 1, 1981.

EPA SLN No. MS 81 0058. Mobay Chemical Corp. Registration is for Sencor 50 Percent WP, to be used on soybeans to control sicklepod. September 1, 1981.

EPA SLN No. MT 81 0059. Mobay Chemical Corp. Registration is for Sencor 4 FL, to be used on soybeans to control sicklepod. September 1, 1981.

EPA SLN No. MT 81 0060. Valley Chemical Co. Registration is for Val-Drop No. 3, to be used on a cotton defoliant; for dessication of sunflowers, grain sorghum and milo; and in corn, rice, and soybeans for weed desiccation. September 3, 1981.

EPA SLN No. MT 81 0061. Stauffer Chemical Co. Registration is for Ordram 10-G, to be used on rice for reduction of red rice competition in rice. December 16, 1981.

EPA SLN No. MT 81 0062. Stauffer Chemical Co. Registration is for Ordram 8-E, to be used on rice for reduction of red rice in domestic rice plantings. December 16, 1981.

Missouri

EPA SLN No. MO 81 0024. FMC Corp. Registration is for Furadan 4 FL, to be used on grain sorghum and sorghum grown for forage and silage to control chinch bugs and greenbugs. May 1, 1981.

EPA SLN No. MO 81 0025. E. I. du Pont de Nemours and Co. Registration is for Du Pont Velpar Gridball 1cc Brush Killer, to be used on land renovation areas to control undesirable woody plants. June 22, 1981.

EPA SLN No. MO 81 0026. Philips Roxane Inc. Registration is for Insectaban 10 Insecticide EC Residual Spray, to be used on livestock and poultry premises to control house flies, stable flies, and false stable flies. July 15, 1981.

EPA SLN No. MO 81 0027. Mobay Chemical Corp. Registration is for Sencor 4 FL, to be used on soybeans to control sicklepod. July 29, 1981.

EPA SLN No. MO 81 0028. Mobay Chemical Corp. Registration is for Sencor 50 percent WP, to be used on soybeans to control sicklepod. July 29, 1981.

EPA SLN No. MO 81 0029. Mobay Chemical Corp. Registration is for Sencor Sprayule 75 Percent Water Dispersible G, to be used on soybeans to control sicklepod. July 29, 1981.

EPA SLN No. MO 81 0030. Mobay Chemical Corp. Registration is for Furadan 4 FL, to be used on grain sorghum and sorghum grown for forage and silage to control chinch bugs and greenbugs. July 29, 1981.

EPA SLN No. MO 81 0031. FMC Corp. Registration is for Furadan 3 GR, to be used on rice to control rice water weevil and mosquitoes. August 6, 1981.

EPA SLN No. MO 81 0032. Mobay Chemical Corp. Registration is for Oftanol 5 Percent GR, to be used on turf grass to control insects. August 18, 1981. 1981.

Montana

EPA SLN No. MT 81 0012. Mobay Chemical Corp. Registration is for Sencor Sprayule, to be used on winter wheat to control grass and broadleaf weeds. May 21, 1981.

EPA SLN No. MT 81 0013. Union Carbide Agricultural Products Co., Inc. Registration is for Brominal Broadleaf Herbicide, to be used on winter wheat to control chickweed, filaree, henbit, and dogfennel. May 19, 1981.

EPA SLN No. MT 81 0014. Shell Chemical Co. Registration is for Shell Atrazine 4L, to be used on fields to be planted to winter wheat, spring wheat, or durum wheat to control weeds. May 19, 1981.

EPA SLN No. MT 81 0015. Shell Chemical Co. Registration is for Shell Atrazine 80W, to be used on fields to be planted to winter wheat, spring wheat, or durum wheat to control weeds. May 19, 1981.

EPA SLN No. MT 81 0016. Penick Corp. Registration is for Pramex 13.3 Percent EC, to be used on chrysanthemums grown in greenhouses and slathouses to control leaf miners. May 19, 1981.

EPA SLN No. MT 81 0017. Dow Chemical USA. Registration is for Lorsban 4E, to be used on sugar beets to control cutworms. May 19, 1981.

EPA SLN No. MT 81 0018. Rhone-Poulenc Chemical Co. Registration is for Buctril and Hoelon 3 EC, to be used on wheat and spring seeded barley to control weeds listed on the registration label. May 29, 1981.

EPA SLN No. MT 81 0019. Mobay Chemical Corp. Registration is for Furadan 10 G, to be used on sugar beets to control sugar beet root maggots. May 29, 1981.

EPA SLN No. MT 81 0020. Stoller Chemical Co., Inc. Registration is for That Big 8 Flowable Sulfur, to be used on sugar beets to control powdery mildew. July 22, 1981.

EPA SLN No. MT 81 0021. Wilbur-Ellis Co. Registration is for Red-Top Contact Weedkiller, to be used on conifer plantations as a brush desiccant. September 29, 1981.

EPA SLN No. MT 81 0022. EM Industries, Inc. Registration is for Funginex EC 18.2 Percent, to be used on cherries to control fruit brown rot and cherry leafspot. September 4, 1981.

EPA SLN No. MT 81 0023. Velsicol Chemical Corp. Registration is for Banvel Herbicide, to be used on cropping systems to control weeds. August 14, 1981.

EPA SLN No. MT 81 0024. Mobay Chemical Corp. Registration is for Sencor 4, to be used on wheat and barley to control weeds. October 14, 1981.

EPA SLN No. MT 81 0025. Mobay Chemical Corp. Registration is for Sencor 50 Percent WP, to be used on wheat and barley to control weeds. October 14, 1981.

EPA SLN No. MT 81 0026. Mobay Chemical Corp. Registration is for Sencor Sprayule, to be used on wheat and barley to control weeds. October 14, 1981.

EPA SLN No. MT 81 0027. Monsanto Co. Registration is for GR Far-Go, to be used on spring planted barley, spring or durum wheat to control wild oats. November 12, 1981.

Nebraska

EPA SLN No. NE 81 0013. FMC Corp. Registration is for Furadan 4 FL, to be used on grain sorghum and sorghum grown for forage silage to control chinch bugs and greenbugs. May 1, 1981.

EPA SLN No. NE 81 0014. Platte Chemical Co. Registration is for Clean Crop LV-6 Ester, to be used on wheat, barley, rye, or corn to control weeds. June 2, 1981.

EPA SLN No. NE 81 0015. Platte Chemical Co. Registration is for Clean Crop Amine 4, 2,4-D, to be used on small grains, corn, rice, pastures, turf, and other non-crop areas to control certain broadleaf annual weeds and perennial weeds. June 2, 1981.

EPA SLN No. NE 81 0016. Monsanto Co. Registration is for Lasso, to be used on field corn, hybrid seed corn, popcorn, silage corn, and sweet corn to control annual grasses and broadleaf weeds. May 6, 1981.

EPA SLN No. NE 81 0017. Rohm and Haas Co. Registration is for Goal 2E, to be used on soybeans to control weeds. June 3, 1981.

EPA SLN No. NE 81 0018. Shell Chemical Co. Registration is for Bladex 80W Herbicide, to be used on winter wheat to control weeds. June 16, 1981.

EPA SLN No. NE 81 0019. Dow Chemical USA. Registration is for Lorsban 4E Insecticide, to be used on field corn and sorghum to control the chinch bug. June 24, 1981.

EPA SLN No. NE 81 0020. Velsicol Chemical Corp. Registration is for Banvel, to be used between cropping systems to control broadleaf weeds. June 30, 1981.

EPA SLN No. NE 81 0021. Ralston Purina Co. Registration is for Purina Hard Hitter EC, to be used on livestock and poultry premises to control house, stable, and other manure breeding flies. June 30, 1981.

EPA SLN No. NE 81 0022. Ralston Purina Co. Registration is for Purina Hard Hitter WP, to be used on livestock and poultry premises to control house, stable, and other manure breeding flies. June 30, 1981.

EPA SLN No. NE 81 0023. Mobay Chemical Corp. Registration is for Sencor Sprayule, to be used on wheat/fallow/wheat rotation to control weeds. July 15, 1981.

EPA SLN No. NE 81 0024. Mobay Chemical Corp. Registration is for Sencor 50 Percent WP, to be used on wheat/fallow/wheat rotation to control weeds. July 15, 1981.

EPA SLN No. NE 81 0025. Mobay Chemical Corp. Registration is for Sencor 4 FL, to be

used on wheat/fallow/wheat rotation to control weeds. July 15, 1981.

Nevada

EPA SLN No. NV 81 0004. Witco Chemical Corp. Registration is for GB 1356, to be used on swamps, flood water areas, and other areas where mosquitoes develop to control mosquito larvae. June 3, 1981.

EPA SLN No. NV 81 0005. Baird and McGuire, Inc. Registration is for Baird's Contact Weed Killer, to be used on non-crop areas, orchard floors, grapes and bush fruits, alfalfa, clover, and potato vines to control weeds. July 9, 1981.

EPA SLN No. NV 81 0006. Nevada Department of Agriculture. Registration is for Dacthal W-75 for Turf, to be used on garlic and onions to control annual grasses and broadleaf weeds. August 21, 1981.

EPA SLN No. NV 81 0007. PureGro Co. Registration is for PureGro Dibrom 8E, to be used on alfalfa to control grasshoppers, aphids, loopers, leafhoppers, lygus bugs, armyworms, and thrips. August 31, 1981.

EPA SLN No. NV 81 0009. FMC Corp. Registration is for Furadan 10 GR, to be used on garlic to control onion maggots. December 1, 1981.

New Hampshire

EPA SLN No. NH 81 0003. Mobay Chemical Corp. Registration is for Mesurol 75 Percent WP, to be used on blueberries to control blueberry maggot flies and pest birds. June 12, 1981.

EPA SLN No. NH 81 0004. Chevron Chemical Co. Registration is for Ortho Paraquat CL, to be used on alfalfa to control weeds. August 11, 1981.

New Jersey

EPA SLN No. NJ 81 0017. Chevron Chemical Co. Registration is for Ortho Paraquat CL, to be used on alfalfa to control weeds between cuttings. May 20, 1981.

EPA SLN No. NJ 81 0018. Pennwalt Corp. Registration is for Peach, Nectarine, and Plum Lustr 274, to be used on peaches, nectarines, and plums to control brown rot and rhizopus spoilage. June 4, 1981.

EPA SLN No. NJ 81 0019. Stephenson Chemical Co. Registration is for 20 Percent Lindane EC, to be used on existing structures to control wood-infesting beetles. July 1, 1981.

EPA SLN No. NJ 81 0020. Ciba-Geigy Corp. Registration is for DZN Diazinon AG500, to be used on fern portion of asparagus to control the asparagus miner. August 5, 1981.

EPA SLN No. NJ 81 0021. Ciba-Geigy Corp. Registration is for Diazinon 50W, to be used on fern portion of asparagus to control the asparagus miner. August 5, 1981.

EPA SLN No. NJ 81 0022. Penick Corp. Registration is for SBP.1382 4.22 MF Mineral Oil Spray, to be used on recreational, residential, and municipal areas to control mosquitoes. September 2, 1981.

New Mexico

EPA SLN No. NM 81 0013. Pennwalt Corp. Registration is for Hydrothol 191, to be used on irrigation canals and laterals delivering water to or from crops and/or water treatment plants to control aquatic weeds. May 22, 1981.

EPA SLN No. NM 81 0014. Department of the Interior. Registration is for Zinc Phosphide on Steam-rolled Oats, to be used on non-croplands and pastures to control prairie dogs. June 5, 1981.

EPA SLN No. NM 81 0015. Shell Chemical Co. Registration is for Pydrin 2.4 EC, to be used on cotton to control the cotton bollworm, boll weevil, whitefly, cabbage looper, tobacco budworm, beet armyworm, and Lygus bug. May 27, 1981.

EPA SLN No. NM 81 0016. Velsicol Chemical Corp. Registration is for Banvel 10G, to be used between cropping systems to control perennial broadleaf weeds. June 23, 1981.

EPA SLN No. NM 81 0017. Uniroyal Chemical. Registration is for Comite Agricultural Miticide, to be used on corn to control mites. July 2, 1981.

EPA SLN No. NM 81 0018. Uniroyal Chemical. Registration is for Vitavax-4G, to be used on peanuts to control *Sclerotium rolfsii* (southern blight). July 28, 1981.

EPA SLN No. NM 81 0019. E. I. du Pont de Nemours and Co. Registration is for Du Pont Benlate Fungicide (Peanuts), to be used on peanuts to control blackhull disease. July 28, 1981.

EPA SLN No. NM 81 0020. Uniroyal Chemical. Registration is for Vitavax 3F, to be used on peanuts to control *Sclerotium rolfsii*. October 9, 1981.

EPA SLN No. NM 81 0021. E. I. du Pont de Nemours and Co. Registration is for Du Pont Vydate L, to be used on onions to control onion and western flower thrips. September 1, 1981.

EPA SLN No. NM 81 0022. FMC Corp. Registration is for Furadan 10G, to be used on sugar beets to control beet leafhoppers and curly top virus. September 22, 1981.

EPA SLN No. NM 81 0023. Bell Laboratories. Registration is for ZP Rodent Bait AG, to be used on rangeland vegetation and non-crop areas to control Ord's kangaroo rat, banner-tailed kangaroo rat, and Merriam's kangaroo rat. October 5, 1981.

EPA SLN No. NM 81 0024. Mobay Chemical Corp. Registration is for Oftanol 5 Percent GR, to be used on turf grasses to control insects. January 11, 1982.

EPA SLN No. NM 81 0025. Lipha Chemicals, Inc. Registration is for Rozol Tracking Powder for the Control of Nuisance Bats, to be used on nuisance bats to control little brown myotis bats and big brown bats. December 18, 1981.

New York

EPA SLN No. NY 81 0013. Mobay Chemical Corp. Registration is for Oftanol 5 Percent GR, to be used on turf grass to control insects. June 12, 1981.

EPA SLN No. NY 81 0014. Elanco Products Co. Registration is for Treflan EC, to be used on snap beans to control weeds. July 13, 1981.

EPA SLN No. NY 81 0015. E. I. du Pont de Nemours and Co. Registration is for Benlate Tank Mix with Orthocide 50 WP or Captan 50 WP, to be used on stone fruits to control brown rot and scab. July 13, 1981.

EPA SLN No. NY 81 0016. Prentiss Drug and Chemical Co., Inc. Registration is for Prentox Malathion, to be used on mushrooms to control larval sciarid flies. July 20, 1981.

EPA SLN No. NY 81 0017. Mobay Chemical Corp. Registration is for Furadan 4 FL, to be used on pure seeded alfalfa to control clover root curculio, nematodes, potato leafhopper, and alfalfa blotch leaf miner. August 6, 1981.

EPA SLN No. NY 81 0018. Mobay Chemical Corp. Registration is for Furadan 10 GR, to be used on pure seeded alfalfa to control clover root curculio, nematodes, potato leafhopper, and alfalfa blotch leafminer. August 6, 1981.

EPA SLN No. NY 81 0019. ICI Americas, Inc. Registration is for Ectiban EC, to be used on building structures, attics, and eaves to control the cluster fly. August 14, 1981.

EPA SLN No. NY 81 0020. Mobay Chemical Corp. Registration is for Dylox 80 Percent Soluble Powder, to be used on birdsfoot trefoil to control armyworms, Lygus bugs, stinkbugs, and variegated cutworms. August 20, 1981.

EPA SLN No. NY 81 0021. Mobay Chemical Corp. Registration is for Mesurol 75 Percent WP, to be used on blueberries to control blueberry maggots and pest birds. August 20, 1981.

EPA SLN No. NY 81 0022. E. I. du Pont de Nemours and Co. Registration is for Du Pont Lannate, to be used on onions to control cutworms and thrips. August 20, 1981.

EPA SLN No. NY 81 0023. E. I. du Pont de Nemours and Co. Registration is for Du Pont Lannate L, to be used on onions to control thrips and cutworms. August 20, 1981.

EPA SLN No. NY 81 0025. E. I. du Pont de Nemours and Co. Registration is for Du Pont Benlate, to be used on grapes to control eutypa dieback. August 27, 1981.

EPA SLN No. NY 81 0026. Rohm and Haas Co. Registration is for Kerb 50W Herbicide, to be used on alfalfa to control weeds. September 17, 1981.

EPA SLN No. NY 81 0027. Hopkins Agricultural Chemical Co. Registration is for Hopkins Quintar 5F, to be used on apples to control scab. October 17, 1981.

EPA SLN No. NY 81 0028. E. I. du Pont de Nemours and Co. Registration is for Du Pont Benlate Fungicide, to be used on peaches to control cytospora (valsa) canker of peaches. October 17, 1981.

EPA SLN No. NY 81 0029. Monsanto Co. Registration is for Roundup, to be used on alfalfa to control forage grass. October 17, 1981.

EPA SLN No. NY 81 0030. Agway, Inc. Registration is for Orchard Mouse Bait-Coated, to be used on maple sugar orchards to control red squirrel, grey squirrel, chipmunks, and mice. October 8, 1981.

North Carolina

EPA SLN No. NC 81 0021. Rohm and Haas Co. Registration is for Goal 2E/Paraquat Tank Mix, to be used on field corn to control witchweed. May 19, 1981.

EPA SLN No. NC 81 0022. Helena Chemical Co. Registration is for Helena MSMA, to be used on cotton to control weeds. May 26, 1981.

EPA SLN No. NC 81 0023. BASF Wyandotte Corp. Registration is for Basaagan, to be used on Bohemian chili peppers to control certain broadleaf weeds and grasses. June 26, 1981.

EPA SLN No. NC 81 0024. Mobay Chemical Corp. Registration is for Sencor 50 Percent WP, to be used on soybeans to control postmergent weeds. June 26, 1981.

EPA SLN No. NC 81 0025. Mobay Chemical Corp. Registration is for Sencor 4, to be used on soybeans to control postmergent weeds. June 26, 1981.

EPA SLN No. NC 81 0026. Mobay Chemical Corp. Registration is for Sencor Sprayule, to be used on soybeans to control postmergent weeds. June 26, 1981.

EPA SLN No. NC 81 0027. Stauffer Chemical Co. Registration is for Devrinol 50 WP Selective Herbicide, to be used on tobacco to control weeds. July 9, 1981.

EPA SLN No. NC 81 0028. Monsanto Co. Registration is for Roundup, to be used on areas containing loblolly and white pine to reduce competition from red oak, red maple, yellow poplar, sweet gum, and black locust. August 17, 1981.

EPA SLN No. NC 81 0029. Union Carbide Agricultural Products Co., Inc. Registration is for Weedone 2,4-DP Woody Plant Herbicide, to be used on loblolly pine plantations to control hardwood brush and broadleaf weeds. August 26, 1981.

EPA SLN No. NC 81 0030. Diamond Shamrock Corp. Registration is for Dacthol W-75 Herbicide, to be used on upland cress to control crabgrass, annual grasses, and broadleaf weeds. August 26, 1981.

EPA SLN No. NC 81 0031. E. I. du Pont de Nemours and Co. Registration is for Du Pont Benlate Fungicide, to be used on peanuts to control Cercospora leafspot. August 26, 1981.

EPA SLN No. NC 81 0032. Mobay Chemical Corp. Registration is for Oftanol 5 Percent GR, to be used on turf grasses to control insects. August 31, 1981.

EPA SLN No. NC 81 0033. Union Carbide Agricultural Products Co., Inc. Registration is for Temik 15 Percent GR Aldicarb Pesticide, to be used on peanuts to control leafhoppers, nematodes, and mites. October 20, 1981.

EPA SLN No. NC 81 0034. Fairfield American Corp. Registration is for Pyrenone Space Spray, to be used on stored sweet potatoes to control *Drosophila*. October 22, 1981.

EPA SLN No. NC 81 0035. Mobay Chemical Corp. Registration is for Dasanit + Di-Syston 4-2 Spray Concentrate, to be used on tobacco to control aphids, flea beetles, wireworms, and nematodes. November 23, 1981.

EPA SLN No. NC 81 0036. The AR Chem Corp. Registration is for Parapel, to be used on orchards to control pine voles and meadow voles. December 3, 1981.

EPA SLN No. NC 81 0037. Helena Chemical Co. Registration is for Helena Parathion 8E Emulsifiable Liquid, to be used on clary sage to control the vegetable weevil. December 14, 1981.

North Dakota

EPA SLN No. ND 0014. Philips Roxane, Inc. Registration is for Anchor Permethrin 10 Percent EC, to be used on livestock and poultry premises to control house flies, face flies, stable flies, and false stable flies. June 3, 1981.

EPA SLN No. ND 81 0015. Philips Roxane, Inc. Registration is for Bioceutic Overtime, to be used on livestock and poultry premises to

control house flies, face flies, stable flies, and false stable flies. June 3, 1981.

EPA SLN No. ND 81 0016. Hopkins Agricultural Chemical Co. Registration is for Hopkins Sevin Carbaryl Bait, to be used on sunflowers to control cutworms and grasshoppers. June 9, 1981.

EPA SLN No. ND 81 0017. Platte Chemical Co. Registration is for Clean Crop Sevin 5 Bait, to be used on sunflowers to control cutworms and grasshoppers. June 10, 1981.

EPA SLN No. ND 81 0018. Stoller Chemical Co., Inc. Registration is for That-Big 8 FL Sulfur, to be used on sugar beets to control powdery mildew. June 12, 1981.

EPA SLN No. ND 81 0019. SOWECO, Inc. Registration is for Larvicide 100, to be used on stored, clean, dry sunflower seeds to control the granary weevil, confused flour beetle, saw-toothed grain beetle, and Indian meal moth. June 23, 1981.

EPA SLN No. ND 81 0020. Chevron Chemical Co. Registration is for Orthene 75 S Soluble Powder, to be used on field borders, fencerows, roadsides, ditchbanks, and borrow pits to control grasshoppers. July 1, 1981.

EPA SLN No. ND 81 0021. Agsco, Inc. Registration is for Agsco Blitex 80 MN, to be used on dry edible beans to control rust. July 2, 1981.

EPA SLN No. ND 81 0022. Monsanto Co. Registration is for GR Far-Go, to be used on spring planted barley and spring or durum wheat to control wild oats. October 19, 1981.

EPA SLN No. ND 81 0023. PPG Industries, Inc. Registration is for Sprout Nip-Aerosol Grade, to be used for potato sprout inhibition in forced air or refrigerated storage. December 1, 1981.

EPA SLN No. ND 81 0024. Shell Chemical Co. Registration is for Shell Bladex 4L Herbicide, to be used on corn to control weeds. December 28, 1981.

Ohio

EPA SLN No. OH 81 0026. E. I. du Pont de Nemours and Co. Registration is for Du Pont Lorox L, to be used on carrots to control barnyard grass, carpet weed, chickweed, crabgrass, foxtail, goosegrass, lambsquarter, mustard, pigweed, purslane, and smartweed. June 1, 1981.

EPA SLN No. OH 81 0027. E. I. du Pont de Nemours and Co. Registration is for Du Pont Lorox, to be used on carrots to control barnyard grass, carpet weed, chickweed, crabgrass, foxtail, goosegrass, lambsquarter, mustard, pigweed, purslane, and smartweed. June 1, 1981.

EPA SLN No. OH 81 0028. Mobay Chemical Corp. Registration is for Sencor 4, to be used on soybeans to control weeds. June 10, 1981.

EPA SLN No. OH 81 0029. Mobay Chemical Corp. Registration is for Sencor Sprayule, to be used on soybeans to control weeds. June 10, 1981.

EPA SLN No. OH 81 0030. Mobay Chemical Corp. Registration is for Sencor 50 Percent WP, to be used on soybeans to control weeds. June 10, 1981.

EPA SLN No. OH 81 0031. FMC Corp. Registration is for Furadan 4 FL Insecticide, to be used on potatoes to control the Colorado potato beetle, potato leafhopper, potato flea beetle, and European corn borer. July 6, 1981.

EPA SLN No. OH 81 0032. Velsicol Chemical Corp. Registration is for Banvel Herbicide, to be used between cropping systems to control broadleaf weeds. July 8, 1981.

EPA SLN No. OH 81 0033. Mobay Chemical Corp. Registration is for Furadan 4 FL, to be used on non-bearing peach, nectarine, apple, apricot, cherry, and plum trees to control nematodes. July 14, 1981.

EPA SLN No. OH 81 0034. Mobay Chemical Corp. Registration is for Furadan 10 G, to be used on non-bearing peach, nectarine, apple, apricot, cherry, and plum trees to control nematodes. July 14, 1981.

EPA SLN No. OH 81 0035. Chevron Chemical Co. Registration is for Ortho Paraquat CL, to be used on alfalfa to control weeds. July 24, 1981.

EPA SLN No. OH 81 0036. Cargill, Inc. Registration is for RTU-1010 Small Grains Seed Protectant, to be used on wheat, oats, and barley to control seed and seedling diseases, smut, and bunt. August 26, 1981.

EPA SLN No. OH 81 0037. Mobay Chemical Corp. Registration is for Furadan 4 FL, to be used on potatoes to control the Colorado potato beetle, potato leafhopper, potato flea beetle, and European corn borer. September 11, 1981.

EPA SLN No. OH 81 0038. Mobay Chemical Corp. Registration is for Sencor DF, to be used on soybeans to control weeds. September 14, 1981.

Oklahoma

EPA SLN No. OK 81 0020. Chevron Chemical Co. Registration is for Orthene 75S Soluble Powder, to be used on range and pasture grass and winter wheat to control grasshoppers. July 1, 1981.

EPA SLN No. OK 81 0021. American Cyanamid Co. Registration is for Cythion and Malathion ULV* Concentrate Insecticide, to be used on clover, pasture and range grass, grass, grass hay, and non-agricultural land to control grasshoppers. July 2, 1981.

EPA SLN No. OK 81 0022. Dow Chemical USA. Registration is for Lorsban 4E Insecticide, to be used on grain sorghum to control chinch bug. July 24, 1981.

EPA SLN No. OK 81 0023. Pennwalt Corp. Registration is for Accelerate A Harvest Aid for Cotton, to be used on cotton for desiccation. August 31, 1981.

EPA SLN No. OK 81 0024. Dow Chemical USA. Registration is for Lorsban 4E Insecticide, to be used on sorghum to control green bugs. September 22, 1981.

EPA SLN No. OK 81 0025. FMC Corp. Registration is for Furadan 4 FL, to be used on alfalfa to control the alfalfa weevil and blue alfalfa aphid. November 13, 1981.

EPA SLN No. OK 81 0026. Union Carbide Agricultural Products Co., Inc. Registration is for Weedone MCPA Ester, to be used on small grains to control broadleaf weeds. December 3, 1981.

Oregon

EPA SLN No. OR 81 0051. FMC Corp. Registration is for Kolospray, to be used on sugar beets to control powdery mildew. May 19, 1981.

EPA SLN No. OR 81 0052. FMC Corp. Registration is for Kolodust, to be used on

sugar beets to control powdery mildew. May 19, 1981.

EPA SLN No. OR 81 0053. FEC Corp. Registration is for Kolodust Seven No. 50-5 Dust, to be used on blackberries, boysenberries, dewberries, loganberries, and raspberries to control leafrollers, including omnivorous leafrollers, sawflies, climbing cutworms, snowy tree crickets, orange tortrix, leafhoppers, raspberry aphids, and powdery mildew. June 1, 1981.

EPA SLN No. OR 81 0054. FMC Corp. Registration is for Toxakil 40 WP, to be used on broccoli, Brussels sprouts, cabbage, cauliflower, and kohlrabi to control imported cabbageworms, diamondback moth larvae, fall armyworms, serpentine leafminers, thrips, climbing cutworms, and flea beetles. June 19, 1981.

EPA SLN No. OR 81 0055. Rhone-Poulenc Chemical Co. Registration is for Chipco 26019, to be used on crucifer crops (grown for seed only) to control *Alternaria* leaf and pod blight and *Sclerotinia* white rot. June 15, 1981.

EPA SLN No. OR 81 0056. Chevron Chemical Co. Registration is for Ortho Paraquat CL, to be used in wheat/fallow/wheat rotation to control weeds. June 15, 1981.

EPA SLN No. OR 81 0057. Chevron Chemical Co. Registration is for Ortho Paraquat CL, to be used in wheat/fallow/wheat rotation to control weeds. June 15, 1981.

EPA SLN No. OR 81 0058. Chevron Chemical Co. Registration is for Ortho Paraquat CL, to be used in wheat/fallow/wheat rotation to control weeds. June 15, 1981.

EPA SLN No. OR 81 0059. Chevron Chemical Co. Registration is for Ortho Paraquat CL, to be used on alfalfa to control grass and broadleaf weeds. June 16, 1981.

EPA SLN No. OR 81 0060. Chevron Chemical Co. Registration is for Ortho Paraquat CL, to be used on alfalfa to control grass and broadleaf weeds. June 16, 1981.

EPA SLN No. OR 81 0061. Chevron Chemical Co. Registration is for Ortho Paraquat CL, to be used on alfalfa to control grass and broadleaf weeds. June 16, 1981.

EPA SLN No. OR 81 0062. Mobay Chemical Corp. Registration is for Furadan 10 G, to be used on potatoes to control tuber flea beetles. June 16, 1981.

EPA SLN No. OR 81 0063. U.S. Department of Agriculture (USDA). Registration is for Orthene Tree and Ornament Spray, to be used on conifer seed orchards to control the fir coneworm. June 19, 1981.

EPA SLN No. OR 81 0064. Stauffer Chemical Co. Registration is for Imidan 50 WP, to be used on potatoes, to control the Colorado potato beetle. June 17, 1981.

EPA SLN No. OR 81 0065. Wilbur-Ellis Co. Registration is for Red-Top Contact Weedkiller, to be used on dry peas for desiccation. June 24, 1981.

EPA SLN No. OR 81 0066. Dow Chemical USA. Registration is for Lorsban 4E Insecticide, to be used on peppermint to control cutworms and the mint root borer. June 30, 1981.

EPA SLN No. OR 81 0067. PPG Industries, Inc. Registration is for Chem-Hoe-135 FL-3, to be used in wheat/fallow/wheat rotation to control weeds. June 30, 1981.

EPA SLN No. OR 81 0068. Platte Chemical Co. Registration is for Clean Crop Dimethoate 267 EC, to be used on wheat to control aphid and brown wheat mite, and also used on grass grown for seed to control aphids and thrips. June 30, 1981.

EPA SLN No. OR 81 0069. Mobay Chemical Corp. Registration is for Monitor 4, to be used on sugar or table beets to control green peach aphids. July 1, 1981.

EPA SLN No. OR 81 0070. American Cyanamid Co. Registration is for Cythion and Malathion, to be used on clover, pasture range grass, grass hay, and non-agricultural land to control grasshoppers. July 9, 1981.

EPA SLN No. OR 81 0071. The Chas. H. Lilly Co. Registration is for Lilly/Miller Malathion, to be used on asparagus to control the asparagus aphid. July 9, 1981.

EPA SLN No. OR 81 0072. Occidental Chemical Co. Registration is for Contact Weedkiller, to be used on grass (for seed only) for pre-harvest desiccation. July 13, 1981.

EPA SLN No. OR 81 0073. Wilbur-Ellis Co. Registration is for Wilbur-Ellis Malathion 8 Spary, to be used on standing water, drainage ditches, lagoons, ponds, and pastures to control mosquito larvae. July 15, 1981.

EPA SLN No. OR 81 0074. Chevron Chemical Co. Registration is for Ortho Paraquat CL, to be used on potatoes to control weeds and grasses. July 15, 1981.

EPA SLN No. OR 81 0075. Mobay Chemical Corp. Registration is for Sencor 4, to be used on established alfalfa to control certain grass and broadleaf weeds, and to be used on mixed stands of alfalfa and grasses to control forage grass stands. August 3, 1981.

EPA SLN No. OR 81 0076. Mobay Chemical Corp. Registration is for Sencor 50 Percent WP, to be used on established alfalfa to control certain grass and broadleaf weeds, and to be used on mixed stands of alfalfa and grasses to control forage grass stands. August 3, 1981.

EPA SLN No. OR 81 0077. Mobay Chemical Corp. Registration is for Sencor Sprayule™, to be used on established alfalfa to control certain grass and broadleaf weeds, and to be used on mixed stands of alfalfa and grasses to control forage grass stands. August 3, 1981.

EPA SLN No. OR 81 0079. Ciba-Geigy Corp. Registration is for Princep 80W Herbicide, to be used on sweet cherries to control weeds. August 20, 1981.

EPA SLN No. OR 81 0080. Ciba-Geigy Corp. Registration is for Princep 90 Herbicide, to be used on sweet cherries to control weeds. August 20, 1981.

EPA SLN No. OR 81 0081. Wilbur-Ellis Co. Registration is for Soil-Prep, to be used on potatoes to control nematodes. August 21, 1981.

EPA SLN No. OR 81 0082. The Chas. H. Lilly Co. Registration is for Lilly/Miller Fruit and Berry Insect Spray, to be used on apples to control apple maggots. August 26, 1981.

EPA SLN No. OR 81 0083. Chevron Chemical Co. Registration is for Difolaton 4 FL, to be used on potatoes to control early blight. August 26, 1981.

EPA SLN No. OR 81 0084. Mobay Chemical Corp. Registration is for Dasanit 15 Percent GR, to be used on potatoes to control tobacco wireworms, southern potato wireworms,

tuber fleas, beetle larvae, wireworms, and Colorado potato beetles. September 2, 1981.

EPA SLN No. OR 81 0085. Stauffer Chemical Co. Registration is for Prefar 4E, to be used on onions to control grass and broadleaf weeds. September 8, 1981.

EPA SLN No. OR 81 0086. Wolfkill Feed and Fertilizer Corp. Registration is for Wolfkill's Pelleted Slug Bait, to be used on flowers, ornamental plants and lawn areas, fruit, vegetables, and seed crops to control slugs. November 3, 1981.

EPA SLN No. OR 81 0087. Dow Chemical USA. Registration is for Carlon 4 Herbicide, to be used on forests to control resprouting hardwoods. October 1, 1981.

EPA SLN No. OR 81 0088. Dow Chemical USA. Registration is for Carlon 4 Herbicide, to be used on conifer plantations to control brush. October 1, 1981.

EPA SLN No. OR 81 0089. Rohm and Haas. Registration is for Dithane M-45, to be used on Douglas fir to control Swiss needle cast. October 5, 1981.

EPA SLN No. OR 81 0090. E. I. du Pont de Nemours and Co. Registration is for Du Pont LoroX Weed Killer, to be used on asparagus to control weeds. October 14, 1981.

EPA SLN No. OR 81 0091. E. I. du Pont de Nemours and Co. Registration is for Du Pont Lexone Weed Killer, to be used on winter wheat, winter barely, and spring barley to control weeds. October 14, 1981.

EPA SLN No. OR 81 0092. E. I. du Pont de Nemours and Co. Registration is for Du Pont Lexone DF Weed Killer, to be used on winter wheat, winter barley, and spring barley to control weeds. October 14, 1981.

EPA SLN No. OR 81 0093. E. I. du Pont de Nemours and Co. Registration is for Du Pont Lexone 4L Weed Killer, to be used on winter wheat, winter barley, and spring barley to control weeds. October 14, 1981.

EPA SLN No. OR 81 0094. Stauffer Chemical Co. Registration is for Vapam Soil Fumigant, to be used on Irish potatoes to control *Verticillium dahliae*. October 19, 1981.

EPA SLN No. OR 81 0095. E. I. du Pont de Nemours and Co. Registration is for Du Pont LoroX L Weed Killer, to be used on asparagus to control weeds. October 14, 1981.

EPA SLN No. OR 81 0096. Stauffer Chemical Co. Registration is for Imidan 50-WP, to be used on shade trees, ornamental trees, and woody evergreens to control elm leaf beetle, birch leafminer, and oblique banded leaf roller. November 5, 1981.

EPA SLN No. OR 81 0097. FMC Corp. Registration is for Dimethoate 267, to be used on wheat to control greenbugs and other aphids. November 9, 1981.

EPA SLN No. OR 81 0098. E. I. du Pont de Nemours and Co. Registration is for Du Pont Velpar Weed Killer, to be used on established alfalfa to control certain weeds. November 9, 1981.

EPA SLN No. OR 81 0099. E. I. du Pont de Nemours and Co. Registration is for Du Pont Velpar L Weed Killer, to be used on established alfalfa to control certain weeds. November 9, 1981.

EPA SLN No. OR 81 0100. E. I. du Pont de Nemours and Co. Registration is for Du Pont

Lannate, to be used on grapes to control climbing cutworms. November 9, 1981.

EPA SLN No. OR 81 0101. E. I. du Pont de Nemours and Co. Registration is for Du Pont Lannate L, to be used on grapes to control climbing cutworms. November 9, 1981.

EPA SLN No. OR 81 0102. Stauffer Chemical Co. Registration is for Devrinol 50-WP, to be used on bulb iris, daffodils, narcissus, and tulips to control annual grasses and broadleaf weeds. November 23, 1981.

EPA SLN No. OR 81 0103. E. I. du Pont de Nemours and Co. Registration is for Du Pont Sinbar Weed Killer, to be used on strawberries to control weeds. November 23, 1981.

EPA SLN No. OR 81 0104. Wilbur-Ellis Co. Registration is for Red-Top Dimethoate 267-E, to be used on shade and nursery trees by soil injection to control aphids. November 24, 1981.

EPA SLN No. OR 81 0105. Wilbur-Ellis Co. Registration is for Red-Top Dimethoate 267-E, to be used on elm trees to control elm leaf beetles. November 24, 1981.

EPA SLN No. OR 81 0106. Stauffer Chemical Co. Registration is for Devrinol 10 G Ornamental, to be used on certain tree fruit and nut crops to control weeds. December 28, 1981.

EPA SLN No. OR 81 0107. Mobay Chemical Corp. Registration is for Sencor 50 Percent WP, to be used on asparagus (established) to control weeds. December 28, 1981.

EPA SLN No. OR 81 0108. Mobay Chemical Corp. Registration is for Sencor DF, to be used on asparagus (established) to control weeds. December 28, 1981.

EPA SLN No. OR 81 0109. Mobay Chemical Corp. Registration is for Sencor 4, to be used on asparagus (established) to control weeds. December 28, 1981.

Pennsylvania

EPA SLN No. PA 81 0020. Shell Chemical Co. Registration is for Bladex 80W, to be used on field corn to control annual grasses and broadleaf weeds. May 21, 1981.

EPA SLN No. PA 81 0021. Shell Chemical Co. Registration is for Bladex 4L, to be used on field corn to control annual grasses and broadleaf weeds. May 21, 1981.

EPA SLN No. PA 81 0022. Chevron Chemical Co. Registration is for Ortho Paraquat CL, to be used on alfalfa to control annual grasses, broadleaf weeds, and for suppression of perennial plants. May 27, 1981.

EPA SLN No. PA 81 0023. Chevron Chemical Co. Registration is for Ortho Paraquat CL, to be used on oats (preplant and pre-emergence) to control weeds and grasses. June 17, 1981.

EPA SLN No. PA 81 0024. Steuber Co., Inc. Registration is for Steuber DDVP-Technical, to be used in mushroom houses to control phorid flies. July 31, 1981.

EPA SLN No. PA 81 0025. B and W Quality Growers, Inc. Registration is for D.Z.N. Diazinon 50W, to be used on nuts, fruits, vegetables, field crops, and ornamentals to control insects. September 24, 1981.

Rhode Island

EPA SLN No. RI 81 0002. Chevron Chemical Co. Registration is for Ortho Paraquat CL, to

be used on alfalfa to control weeds. August 18, 1981.

EPA SLN No. RI 81 0003. Lipha Chemicals, Inc. Registration is for Rozol Paraffinized Pellets for the Control of Orchard Mice, to be used on orchards to control pine voles and meadow voles. November 9, 1981.

EPA SLN No. RI 81 0004. Lipha Chemicals, Inc. Registration is for Rozol Rodenticide Ground Spray Concentrate, to be used on orchards to control orchard mice. November 9, 1981.

South Carolina

EPA SLN No. SC 81 0019. Shell Chemical Co. Registration is for Pydrin 2.4 EC, to be used on cotton to control bollworm and tobacco budworms. June 5, 1981.

EPA SLN No. SC 81 0021. Philips Roxane, Inc. Registration is for Bioceutic Overtime Long Acting Livestock Premise Insecticide, to be used on livestock and poultry premises to control house flies, face flies, stable flies, and false stable flies. June 8, 1981.

EPA SLN No. SC 81 0022. Philips Roxane, Inc. Registration is for Anchor Permethrin 10 Percent EC Long Lasting Barn and Premise Fly Spray, to be used on livestock and poultry premises to control house flies, stable flies, face flies, and false stable flies. June 8, 1981.

EPA SLN No. SC 81 0024. Velsicol Chemical Corp. Registration is for Banvel Herbicide, to be used between cropping systems to control broadleaf weeds. June 10, 1981.

EPA SLN No. SC 81 0025. Dow Chemical USA. Registration is for Dowfume W-100, to be used on soybeans to control nematodes. October 13, 1981.

EPA SLN No. SC 81 0026. Dow Chemical USA. Registration is for Dowfume W-90, to be used on soybeans to control nematodes. October 13, 1981.

EPA SLN No. SC 81 0027. Dow Chemical USA. Registration is for Dowfume W-85, to be used on soybeans to control nematodes. October 13, 1981.

EPA SLN No. SC 81 0028. Dow Chemical USA. Registration is for Lorsban 15G GR, to be used on corn and peanuts to control the lesser cornstalk borer. October 15, 1981.

South Dakota

EPA SLN No. SD 81 0021. Philips Roxane, Inc. Registration is for Bioceutic Overtime Long Acting Livestock Premise Insecticide, to be used on livestock and poultry premises to control house flies, face flies, stable flies, and false stable flies. June 8, 1981.

EPA SLN No. SD 81 0022. Philips Roxane, Inc. Registration is for Anchor Permethrin 10 Percent EC Long Lasting Barn and Premise Fly Spray, to be used on livestock and poultry premises to control house flies, stable flies, face flies, and false stable flies. June 8, 1981.

EPA SLN No. SD 81 0024. Velsicol Chemical Corp. Registration is for Banvel Herbicide, to be used between cropping systems to control broadleaf weeds. June 10, 1981.

Tennessee

EPA SLN No. TN 81 0021. Rohm and Haas Co. Registration is for Blazer 2S, to be used on soybeans to control weeds. June 1, 1981.

EPA SLN No. TN 81 0022. Diamond Shamrock Corp. Registration is for Dacthal

W-75, to be used on upland cress to control crabgrass, other annual grasses, and certain broadleaf weeds. June 10, 1981.

EPA SLN No. TN 81 0023. Penick Corp. Registration is for SBP-1382-40 MF "Z", to be used in Tennessee to control mosquitoes. June 19, 1981.

EPA SLN No. TN 81 0024. Penick Corp. Registration is for SBP-1382 4.33 MF Mineral Oil Spray, to be used in Tennessee to control mosquitoes. June 19, 1981.

EPA SLN No. TN 81 0025. Union Carbide Agricultural Product Co., Inc. Registration is for Weedone 2,4-DP, to be used on loblolly pine plantations to control hardwood brush and broadleaf weeds. June 23, 1981.

EPA SLN No. TN 81 0026. Mobay Chemical Corp. Registration is for Furadan 4 FL, to be used on dark fired tobacco to control flea beetles. June 30, 1981.

EPA SLN No. TN 81 0027. Monsanto Co. Registration is for Roundup, to be used on areas containing loblolly and white pine to reduce competition from red oak, white oak, red maple, yellow poplar, sweet gum, and black locust. July 30, 1981.

EPA SLN No. TN 81 0028. Mobay Chemical Corp. Registration is for Monitor 4, to be used on cotton to control aphids, thrips, fleahoppers, whiteflies, beet armyworms, cabbage loopers, and mites. July 30, 1981.

EPA SLN No. TN 81 0029. Chevron Chemical Co. Registration is for Ortho Paraquat CL, to be used on alfalfa (between cuttings) to control weeds. September 4, 1981.

Texas

EPA SLN No. TX 81 0031. Stauffer Chemical Co. Registration is for Captan 80-WP and Benlate 50 WP, to be used on soybeans to control foliar diseases. May 19, 1981.

EPA SLN No. TX 81 0032. Pennwalt Corp. Registration is for Accelerate and Ortho Paraquat CL, to be used on cotton for cotton desiccation. June 2, 1981.

EPA SLN No. TX 81 0033. Dow Chemical USA. Registration is for Lorsban 4E, to be used on sugar beets to control the beet armyworm. June 4, 1981.

EPA SLN No. TX 81 0034. Hopkins Agricultural Chemical Co. Registration is for Hopkins Arbotect S, to be used on elm trees to control Dutch elm disease. June 4, 1981.

EPA SLN No. TX 81 0035. Chevron Chemical Co. Registration is for Orthene 75 S, to be used on range and pasture grass and winter wheat to control grasshoppers. June 24, 1981.

EPA SLN No. TX 81 0036. E. I. du Pont de Nemours and Co. Registration is for Velpar and Karmex, to be used on sugarcane to control weeds. June 24, 1981.

EPA SLN No. TX 81 0037. Merck and Co. Registration is for Arbotect 20-S, to be used on oak trees to control oak decline. June 25, 1981.

EPA SLN No. TX 81 0038. Hopkins Agricultural Chemical Co. Registration is for Hopkins Arbotect 20S, to be used on oak trees to control oak decline. June 25, 1981.

EPA SLN No. TX 81 0039. Mobay Chemical Corp. Registration is for Bayleton 50 Percent WP, to be used on pine (seedlings) to control pine rust (Fusiform rust). June 25, 1981.

EPA SLN No. TX 81 0040. Degesch America, Inc. Registration is for Degesch Phostoxin Tablets-R, to be used on prairie dog burrows to control black-tailed prairie dogs. June 25, 1981.

EPA SLN No. TX 81 0041. Uniroyal Chemical. Registration is for Comite, to be used on corn to control mites. June 29, 1981.

EPA SLN No. TX 81 0042. Pennwalt Corp. Registration is for Topsin M, to be used on peanuts to control Cercospora leafspot, rust, and Ascochyta web blotch. July 7, 1981.

EPA SLN No. TX 81 0043. American Cyanamid Co. Registration is for Cythion and Malathion ULV* Concentrate Insecticide, to be used on clover, pasture, range grass, grass, grass hay, and nonagricultural lands to control grasshoppers. July 7, 1981.

EPA SLN No. TX 81 0044. Velsicol Chemical Corp. Registration is for Banvel 10G GR, to be used between cropping systems to control perennial broadleaf weeds (in areas to be rotated to corn, sorghum, or wheat). July 8, 1981.

EPA SLN No. TX 81 0045. Mobay Chemical Corp. Registration is for DEF 6, to be used on cotton and rank cotton as a defoliant. July 20, 1981.

EPA SLN No. TX 81 0046. E. I. du Pont de Nemours and Co. Registration is for Du Pont Vydate L, to be used on onions to control onion and western flower thrips. August 25, 1981.

EPA SLN No. TX 81 0047. Pennwalt Corp. Registration is for Accelerate Cotton Harvest Aid, to be used on cotton as a desiccant. August 25, 1981.

EPA SLN No. TX 81 0048. Mobay Chemical Corp. Registration is for Sencor Sprayule, to be used on wheat to control grasses and broadleaf weeds. September 9, 1981.

EPA SLN No. TX 81 0049. Soweco, Inc. Registration is for Larvacide Chloropicrin 100, to be used in grain or grain bins to control granary weevils, confused flour beetles, sawtoothed grain beetles, Indian meal moths, rodents, and fungi. September 23, 1981.

EPA SLN No. TX 81 0050. Shell Chemical Co. Registration is for Shell Bladex 4L Herbicide, to be used on idle farmland to control herbit (purpletop). October 13, 1981.

EPA SLN No. TX 81 0051. Shell Chemical Co. Registration is for Shell Bladex 80W Herbicide, to be used on idle farmland to control herbit. October 13, 1981.

EPA SLN No. TX 81 0052. American Cyanamid Co. Registration is for Cythion and Malathion ULV* Concentrate Insecticide, to be used on populated and rural areas to control mosquitoes. November 13, 1981.

EPA SLN No. TX 81 0053. Mobay Chemical Corp. Registration is for Baygon 1.67, to be used on outdoor areas to control mosquitoes. November 13, 1981.

EPA SLN No. TX 81 0054. Abbott Laboratories. Registration is for Pro-Gibb 3.91 Percent Liquid Concentrate, to be used on grapefruit to control puffiness, softening, and orange coloration, and to prevent drop of mature fruit. December 29, 1981.

Utah

EPA SLN No. UT 81 0014. Stoller Chemical Co., Inc. Registration is for That Big 8 FL Sulfur, to be used on sugar beets to control powdery mildew. June 2, 1981.

EPA SLN No. UT 81 0015. PPG Industries, Inc. Registration is for Chem Hoe-135 FL-3, to be used on wheat/fallow/wheat rotation to control weeds. June 22, 1981.

EPA SLN No. UT 81 0016. Mobay Chemical Corp. Registration is for Sencor 50 Percent WP, to be used on established alfalfa to control certain grass and broadleaf weeds. July 8, 1981.

EPA SLN No. UT 81 0017. Mobay Chemical Corp. Registration is for Sencor 4, to be used on established alfalfa to control certain grass and broadleaf weeds. July 8, 1981.

EPA SLN No. UT 81 0018. Mobay Chemical Corp. Registration is for Sencor Sprayule, to be used on established alfalfa to control certain broadleaf weeds and grasses. July 8, 1981.

EPA SLN No. UT 81 0019. Mobay Chemical Corp. Registration is for Sencor 50 Percent WP, to be used in wheat/fallow/wheat rotation to control weeds. August 12, 1981.

EPA SLN No. UT 81 0020. Mobay Chemical Corp. Registration is for Sencor Sprayule, to be used in wheat/fallow/wheat rotation to control weeds. August 12, 1981.

EPA SLN No. UT 81 0021. Mobay Chemical Corp. Registration is for Sencor 4 FL, to be used in wheat/fallow/wheat rotation to control weeds. August 12, 1981.

EPA SLN No. UT 81 0022. E. I. du Pont de Nemours and Co. Registration is for Du Pont Lexone Weed Killer, to be used on winter wheat, barley, and spring barley to control annual weeds. September 25, 1981.

EPA SLN No. UT 81 0023. E. I. du Pont de Nemours and Co. Registration is for Du Pont Lexone 4L Weed Killer, to be used on winter wheat, barley, and spring barley to control annual weeds. September 25, 1981.

EPA SLN No. UT 81 0024. E. I. du Pont de Nemours and Co. Registration is for Du Pont Lexone DF Weed Killer, to be used on winter wheat, barley, and spring barley to control annual weeds. September 25, 1981.

EPA SLN No. UT 81 0025. E. I. du Pont de Nemours and Co. Registration is for Du Pont Velpar L Weed Killer, to be used on established alfalfa to control certain weeds. October 23, 1981.

EPA SLN No. UT 81 0026. E. I. du Pont de Nemours and Co. Registration is for Du Pont Velpar Weed Killer, to be used on established alfalfa to control certain weeds. October 23, 1981.

EPA SLN No. UT 81 0027. Union Carbide Agricultural Products Co., Inc. Registration is for Brominal Broadleaf Herbicide, to be used on winter and spring wheat and spring barley to control grasses and broadleaf weeds. October 29, 1981.

EPA SLN No. UT 81 0028. Philips Roxane, Inc. Registration is for Bioceutic Overtime L/P Long Acting Livestock and Premise Insecticide, to be used on livestock and livestock premises to control flies, lice, mites, and ticks. November 23, 1981.

EPA SLN No. UT 81 0029. Philips Roxane, Inc. Registration is for Anchor Permethrin 10 Percent EC II Long Lasting Livestock and Premise Spray, to be used on livestock and poultry and their premises to control flies, lice, mites, and ticks. November 23, 1981.

EPA SLN No. UT 81 0030. PPG Industries, Inc. Registration is for Furloe Chloro IPC 20G, to be used on alfalfa seeds and forage crops to control dodder. December 1, 1981.

Vermont

EPA SLN No. VT 81 0005. Agway, Inc. Registration is for Orchard Mouse Bait-Coated, to be used on sugar maple orchards to control red squirrels, chipmunks, and mice. December 1, 1981.

EPA SLN No. VT 81 0006. FMC Corp. Registration is for Furadan 4 FL, to be used on pure seeded alfalfa to control alfalfa blotch leafminer and potato leafhopper. December 3, 1981.

EPA SLN No. VT 81 0007. FMC Corp. Registration is for Furadan 10 GR, to be used on pure seeded alfalfa to control potato leafhopper, alfalfa blotch leafminer, and clover root curculio. December 3, 1981.

Virginia

EPA SLN No. VA 81 0020. Mobay Chemical Corp. Registration is for Sencor 50 Percent WP, to be used on golf course fairways and commercial sod farms to control weeds. May 22, 1981.

EPA SLN No. VA 81 0021. Mobay Chemical Corp. Registration is for Furadan 4 FL, to be used on flue-cured and fire-cured tobacco to control hornworms, flea beetles and blue mold. June 1, 1981.

EPA SLN No. VA 81 0022. FMC Corp. Registration is for Kolodust Xtra Dust or Spray, to be used on peaches and nectarines to control brown rot, rhizopus rot, and scab. June 29, 1981.

EPA SLN No. VA 81 0023. Monsanto Co. Registration is for Roundup, to be used in areas containing loblolly and white pine to reduce competition from oak, red maple, yellow poplar, sweet gum, and black locust. July 27, 1981.

EPA SLN No. VA 81 0024. Mobay Chemical Corp. Registration is for Oftanol 5 Percent GR, to be used on turf grasses to control insects. August 14, 1981.

EPA SLN No. VA 81 0025. Elanco Products Co. Registration is for Surflan 75W, to be used on noncropland to control weeds. October 12, 1981.

Washington

EPA SLN No. WA 81 0003. Mobay Chemical Corp. Registration is for Sencor 50 Percent WP, to be used on spring and winter barley to control certain grass and broadleaf weeds. June 18, 1981.

EPA SLN No. WA 81 0004. Mobay Chemical Corp. Registration is for Sencor 50 Percent WP, to be used on dryland wheat to control certain grass and broadleaf weeds. June 18, 1981.

EPA SLN No. WA 81 0005. Mobay Chemical Corp. Registration is for Sencor 4 FL, to be used on spring and winter barley to control certain grass and broadleaf weeds. June 18, 1981.

EPA SLN No. WA 81 0006. Mobay Chemical Corp. Registration is for Sencor 4 FL, to be used on dryland wheat to control certain grass and broadleaf weeds. June 18, 1981.

EPA SLN No. WA 81 0007. Mobay Chemical Corp. Registration is for Sencor Sprayule, to be used on barley (spring and winter) to control certain grass and broadleaf weeds. June 18, 1981.

EPA SLN No. WA 81 0008. Mobay Chemical Corp. Registration is for Sencor Sprayule, to be used on dryland wheat to control certain grass and broadleaf weeds. June 18, 1981.

EPA SLN No. WA 81 0009. J. R. Simplot Company. Registration is for Simplot Soilbuilders Superior Spray Oil, to be used on tree fruit, grapes, ornamentals, and corn to control specific mites, scale and other insect pests. March 6, 1981.

EPA SLN No. WA 81 0022. Burroughs Wellcome Co. Registration is for Atroban WP, to be used on livestock and poultry premises to control house flies, stable flies, and *Fannia* spp. July 30, 1981.

EPA SLN No. WA 81 0023. Burroughs Wellcome Co. Registration is for Atroban Cattle Ear, to be used on beef cattle and calves to control horn flies, face flies, spinose ear, ticks, stable flies, and house flies. August 10, 1981.

EPA SLN No. WA 81 0034. The Chas. H. Lilly Co. Registration is for Lilly/Miller Lawn Insect Spray, to be used on turf grass to control European crane fly. May 4, 1981.

EPA SLN No. WA 81 0036. Dow Chemical USA. Registration is for Lorsban 4E, to be used on nonbearing grapes to control cutworms. May 21, 1981.

EPA SLN No. WA 81 0037. Dow Chemical USA. Registration is for Plictran 50W, to be used on cranberries to control mites. May 21, 1981.

EPA SLN No. WA 81 0038. Union Carbide Agricultural Products Co., Inc. Registration is for Fruitone T, to be used on Italian prunes to control preharvest drop. May 22, 1981.

EPA SLN No. WA 81 0039. Wilbur-Ellis Co. Registration is for Red-Top Parathion 4 Spray, to be used on cranberries to control cranberry tipworms, leafhoppers, and fireworms (blackheaded, cranberry, and sparganotus). May 29, 1981.

EPA SLN No. WA 81 0040. Mobay Chemical Corp. Registration is for Sencor 50 Percent WP, to be used on potatoes to control weeds listed on the federally registered label. June 2, 1981.

EPA SLN No. WA 81 0041. Mobay Chemical Corp. Registration is for Sencor Sprayule or Sencor 4, to be used on potatoes to control weeds listed on the federally registered label. June 2, 1981.

EPA SLN No. WA 81 0043. Chacon Chemical Corp. Registration is for Chacon Diazinon Spray, to be used on turf to control the European crane fly. June 1, 1981.

EPA SLN No. WA 81 0044. The Chas. H. Lilly Co. Registration is for Lilly/Miller Chorban Insect GR, to be used on turf grass to control European crane fly. June 12, 1981.

EPA SLN No. WA 81 0045. Mobay Chemical Corp. Registration is for Sencor 50 Percent WP, to be used in wheat/fallow/wheat rotation (during fallow period) to control weeds. June 8, 1981.

EPA SLN No. WA 81 0046. Mobay Chemical Corp. Registration is for Sencor 4 FL, to be used in wheat/fallow/wheat rotation (during fallow period) to control weeds. June 8, 1981.

EPA SLN No. WA 81 0047. Mobay Chemical Corp. Registration is for Sencor Sprayule, to be used in wheat/fallow/wheat rotation (during fallow period) to control weeds. June 8, 1981.

EPA SLN No. WA 81 0048. Chevron Chemical Co. Registration is for Ortho Paraquat CL, to be used in wheat/fallow/wheat rotation to control emerged weeds. June 17, 1981.

EPA SLN No. WA 81 0049. Chevron Chemical Co. Registration is for Ortho Paraquat CL, to be used in wheat/fallow/wheat rotation to control emerged weeds. June 17, 1981.

EPA SLN No. WA 81 0050. Chevron Chemical Co. Registration is for Ortho Paraquat CL, to be used in wheat/fallow/wheat rotation to control emerged weeds. June 17, 1981.

EPA SLN No. WA 81 0051. The Chas. H. Lilly Co. Registration is for Lilly/Miller Malathion, to be used on asparagus to control the asparagus aphid. June 12, 1981.

EPA SLN No. WA 81 0052. Rhone Poulenc Chemical Co. Registration is for Chipco 26019, to be used on crucifer crops (grown for seed) to control leaf and pod blight and white rot. June 12, 1981.

EPA SLN No. WA 81 0053. Charles W. Edwards, Agricultural Products Research Laboratory. Registration is for RTU 1010 Small Grains Seeds Protectant, to be used on wheat, oats, and barley to control seed and seedling diseases, smut, and seed borne bunt. June 15, 1981.

EPA SLN No. WA 81 0054. Stoller Chemical Co., Inc. Registration is for That Big 8 FL Sulfur, to be used on pears to control rust mite. June 24, 1981.

EPA SLN No. WA 81 0055. Stoller Chemical Co., Inc. Registration is for That Big 8 FL Sulfur, to be used on spearmint to control powdery mildew. June 24, 1981.

EPA SLN No. WA 81 0056. Stoller Chemical Co., Inc. Registration is for That Big 8 FL Sulfur, to be used on sugar beets to control powdery mildew. June 15, 1981.

EPA SLN No. WA 81 0057. FMC Corp. Registration is for BX-2 Coated GR, to be used on alfalfa and pasture grass to control mosquito larvae. June 16, 1981.

EPA SLN No. WA 81 0058. Stauffer Chemical Co. Registration is for Imidan 50 WP, to be used on potatoes to control the Colorado potato beetle. June 19, 1981.

EPA SLN No. WA 81 0059. Dow Chemical USA. Registration is for Plictran 50W, to be used on carrots (grown for seed only) to control mites (two-spotted spiders). July 2, 1981.

EPA SLN No. WA 81 0060. Chevron Chemical Co. Registration is for Ortho Diquat Water Weed Killer, to be used on carrots, radishes, and turnips (seed crops only) for preharvest desiccation of foliage. July 10, 1981.

EPA SLN No. WA 81 0061. Dow Chemical USA. Registration is for Lorsban 4E Insecticide, to be used on peppermint to control cutworms and mint root borers. July 14, 1981.

EPA SLN No. WA 81 0062. Merck and Co., Inc. Registration is for Agri-Strep, Type D and Agri-Strep 500, to be used on pears and pear/apple interplants to control fire blight. July 20, 1981.

EPA SLN No. WA 81 0063. Prentiss Drug and Chemical Co. Registration is for Prentox Cube Powder, to be used on water to control undesirable fish species. July 23, 1981.

EPA SLN No. WA 81 0064. Chevron Chemical Co. Registration is for Orthene 75S Soluble Powder, to be used on radishes to control the cabbage aphid, green peach aphid, diamondback moth, cabbage looper, and imported cabbage worm. August 24, 1981.

EPA SLN No. WA 81 0065. Velsicol Chemical Corp. Registration is for Banvel Herbicide, to be used between cropping systems to control broadleaf weeds. July 31, 1981.

EPA SLN No. WA 81 0066. PPG Industries, Inc. Registration is for Chem Hoe-135 F1-3, to be used in wheat/fallow/wheat rotation to control weeds. August 6, 1981.

EPA SLN No. WA 81 0067. Chevron Chemical Co. Registration is for Ortho Paraquat C1, to be used in wheat/fallow/wheat rotation to control weeds. August 10, 1981.

EPA SLN No. WA 81 0068. Van Waters and Rogers. Registration is for Guardsman 12½ Percent Sodium Hypochlorite, to be used on pears, apples, cherries, peaches, plums, prunes, quinces, and nectarines in dip tanks to reduce fungus, spores, and bacteria. August 17, 1981.

EPA SLN No. WA 81 0069. Wilbur-Ellis Co. Registration is for Soil Prep, to be used on potatoes to control nematodes. August 11, 1981.

EPA SLN No. WA 81 0070. Van Waters and Rogers. Registration is for Namco Chloropicrin, to be used on treated wood items—telephone poles, power poles, and structural members of bridges to prevent fungi growth in the interior of wood items. August 28, 1981.

EPA SLN No. WA 81 0071. Chevron Chemical Co. Registration is for Ortho Paraquat CL, to be used on potatoes to control weeds. August 24, 1981.

EPA SLN No. WA 81 0072. E. I. du Pont de Nemours and Co. Registration is for Du Pont Vydate L Nematicide, to be used on pears to control the European red mite, pear rust mite, McDaniel mite, and two-spotted spider mite. August 27, 1982.

EPA SLN No. WA 81 0073. Dow Chemical Co. Registration is for Carlon 4 Herbicide, to be used on forests to control clumps of resprouting hardwoods. September 25, 1981.

EPA SLN No. WA 81 0074. Dow Chemical USA. Registration is for Carlon 4 Herbicide, to be used on conifer plantations to control brush. On September 25, 1981.

EPA SLN No. WA 81 0075. Vertac Chemical Corp. Registration is for Vertac Dinitro Weed Killer 5, to be used on seed alfalfa, seed trefoil, and seed clover for preharvest desiccation. September 15, 1981.

EPA SLN No. WA 81 0076. Van Waters and Rogers. Registration is for Namco Diazinon 4E, to be used on turf to control the European crane fly. September 28, 1981.

EPA SLN No. WA 81 0077. Wilbur-Ellis Co. Registration is for Nusan 30 EC, to be used on Gladiola corms, iris, tulip, and narcissus bulbs to control fusarium rot. October 5, 1981.

EPA SLN No. WA 81 0078. Chevron Chemical Co. Registration is for Ortho Paraquat CL, to be used on alfalfa to control weeds. September 30, 1981.

EPA SLN No. WA 81 0079. Chevron Chemical Co. Registration is for Ortho

Paraquat CL, to be used on alfalfa to control weeds. September 30, 1981.

EPA SLN No. WA 81 0080. Chevron Chemical Co. Registration is for Ortho Paraquat CL, to be used on alfalfa to control weeds. September 30, 1981.

EPA SLN No. WA 81 0081. Mobay Chemical Co. Registration is for Sencor Sprayule, to be used on alfalfa to control weeds. September 30, 1981.

EPA SLN No. WA 81 0082. Mobay Chemical Co. Registration is for Sencor 50 Percent WP, to be used on alfalfa to control weeds. September 30, 1981.

EPA SLN No. WA 81 0083. Mobay Chemical Corp. Registration is for Sencor 4, to be used on alfalfa to control weeds. September 30, 1981.

EPA SLN No. WA 81 0084. FMC Corp. Registration is for Dursban 2 Coated GR, to be used on home lawns and ornamental turf areas to control European crane fly. October 5, 1981.

EPA SLN No. WA 81 0085. Rohm and Haas. Registration is for Dithane M-45, to be used on Douglas fir to control Swiss needle cast. October 5, 1981.

EPA SLN No. WA 81 0086. Velsicol Chemical Corp. Registration is for Ramik Brown, to be used on bearing and non-bearing orchards of tree fruits (stone and pome) and nuts to control meadow voles. October 9, 1981.

EPA SLN No. WA 81 0087. Mobay Chemical Corp. Registration is for Di-Syston 15 Percent GR, to be used on wheat (fall and spring) and barley to control hessian fly aphids (green buds) (Oat bird-cherry), and grasshoppers. October 16, 1981.

EPA SLN No. WA 81 0088. Wolfkill Feed and Fertilizer Corp. Registration is for Wolfkill's Pelleted Slug Bait, to be used on flowers, ornamental plants, lawn areas, fruits, vegetables, and seed crops, and green and lath houses to control slugs. October 19, 1981.

EPA SLN No. WA 81 0089. Stauffer Chemical Co. Registration is for Vapam Soil Fumigant, to be used on potatoes to control *Verticillium dahliae* (early maturity disease) in Irish potatoes. October 20, 1981.

EPA SLN No. WA 81 0090. E. I. du Pont de Nemours and Co. Registration is for Du Pont Velpar Weed Killer, to be used on alfalfa to control weeds. October 21, 1981.

EPA SLN No. WA 81 0091. E. I. du Pont de Nemours and Co. Registration is for Du Pont Velpar L Weed Killer, to be used on alfalfa to control weeds. October 21, 1981.

EPA SLN No. WA 81 0092. International Two Thousand, Inc. Registration is for Mr. Rat Guard II Pellets, to be used in eastern Washington on orchards of pome fruits (apples, pears), and stone fruits (peaches, apricots, cherries, prunes, and plums) to control orchard mice (*Microtus* spp.). October 22, 1981.

EPA SLN No. WA 81 0093. The Chas. H. Lilly Co. Registration is for Lilly/Miller Fruit and Berry Insect Spray, to be used on apples, pears, plums, sour cherries, and hawthorne, to control the apple maggot. October 23, 1981.

EPA SLN No. WA 81 0094. Dow Chemical USA. Registration is for Tordon 2K Pellets Herbicide, to be used on rangeland, forests,

and permanent grass pastures to control susceptible broadleaf weeds and woody plants. October 27, 1981.

EPA SLN No. WA 81 0095. Wilbur-Ellis Co. Registration is for Red-Top Malathion 5 Pyrethrum 0.1 Dust, to be used on mushroom houses to control mites, phorid and sciarid flies. October 23, 1981.

EPA SLN No. WA 81 0096. E. I. du Pont de Nemours and Co. Registration is for Du Pont Lexone Weed Killer, to be used on winter wheat, winter barley, and spring barley to control weeds. October 27, 1981.

EPA SLN No. WA 81 0097. E. I. du Pont de Nemours and Co. Registration is for Du Pont Lexone DF Weed Killer, to be used on winter wheat, winter barley, and spring barley to control weeds. October 27, 1981.

EPA SLN No. WA 81 0098. E. I. du Pont de Nemours and Co. Registration is for Du Pont Lexone 4L Weed Killer, to be used on winter wheat, winter barley, and spring barley to control weeds. October 27, 1981.

EPA SLN No. WA 81 0099. Witco Chemical Corp. Registration is for GB 1356, to be used on swamps, floodwater areas, and other areas where mosquitoes develop, to control mosquitoes. November 6, 1981.

EPA SLN No. WA 81 0100. Stauffer Chemical Co. Registration is for Devrinol 50-WP Selective Herbicide, to be used on bulb iris, daffodils, narcissus, and tulips to control annual grasses and broadleaf weeds. November 17, 1981.

EPA SLN No. WA 81 0101. Dow Chemical USA. Registration is for Dowpon M Grass Killer, to be used on summer fallow land to be planted to cereal crops to control downy brome, volunteer grain, and other weeds. December 15, 1981.

EPA SLN No. WA 81 0102. Uniroyal Chemical. Registration is for Uniroyal Dinoseb-5, to be used on alfalfa, trefoil, and clover grown for seed only, for preharvest desiccation. December 10, 1981.

EPA SLN No. WA 81 0103. Stauffer Chemical Co. Registration is for Devrinol 10 G Ornamental, to be used on tree fruit and nut crops to control weeds. December 18, 1981.

EPA SLN No. WA 81 0104. J. R. Simplot Co. Registration is for Sim-Tec 0.50 Potato Seed Treater, to be used on potatoes for control of fusarium seed decay on potato seed pieces. December 24, 1981.

EPA SLN No. WA 81 0105. Mobay Chemical Corp. Registration is for Sencor DF, to be used on asparagus (established) to control weeds. December 30, 1981.

EPA SLN No. WA 81 0106. Mobay Chemical Corp. Registration is for Sencor 50 Percent WP, to be used on asparagus (established) to control weeds. December 20, 1981.

EPA SLN No. WA 81 0107. Mobay Chemical Corp. Registration is for Sencor 4FL, to be used on asparagus (established) to control weeds. December 30, 1981.

West Virginia

EPA SLN No. WV 81 0009. International Two Thousand, Inc. Registration is for Mr. Rat Guard II Pellets, to be used on orchards to be used as paraffinized orchard mouse bait. November 5, 1981.

EPA SLN No. WV 81 0010. B and W Quality Growers, Inc. Registration is for DZN Diazinon 50W, to be used on watercress to control the cyclamen mite. November 25, 1981.

Wyoming

EPA SLN No. WY 81 0004. Penwalt Corp. Registration is for Hydrothol 191, to be used on moving water in irrigation canals and laterals delivering water to or from crops and/or water treatment plants to control submersed aquatic weeds. May 27, 1981.

EPA SLN No. WY 81 0005. Stoller Chemical Co. Inc. Registration is for That Big 8 FL Sulfur, to be used on sugar beets to control powdery mildew. June 11, 1981.

EPA SLN No. WY 81 0006. Mobay Chemical Corp. Registration is for Sencor 4 FL, to be used in wheat/fallow/wheat rotation to control weeds. July 14, 1981.

EPA SLN No. WY 81 0007. Mobay Chemical Co. Registration is for Sencor 50 Percent WP, to be used in wheat/fallow/wheat rotation to control weeds. July 14, 1981.

EPA SLN No. WY 81 0008. Mobay Chemical Co. Registration is for Sencor Sprayule, to be used in wheat/fallow/wheat rotation to control weeds. July 14, 1981.

EPA SLN No. WY 81 0009. Wyoming Department of Agriculture. Registration is for Compound 1080, to be used in single dose drop bait stations for control of vertebrate pests. July 28, 1981.

EPA SLN No. WY 81 0010. Degesch America, Inc. Registration is for Degesch Phostoxin Tablets-R, to be used in prairie dog burrows in rangeland, non-cropland, and pastures to control black-tailed prairie dogs. October 13, 1981.

EPA SLN No. WY 81 0011. Phillips Roxane, Inc. Registration is for Anchor Permethrin 10 Percent EC II Long Lasting Livestock and Premise Spray, to be used on livestock and poultry to control house flies, lice, mites, and ticks. October 16, 1981.

EPA SLN No. WY 81 0012. Phillips Roxane, Inc. Registration is for Biocetic Overtime L/P Long Acting Livestock and Premise Insecticide, to be used on livestock and poultry to control flies, lice, mites, and ticks. October 16, 1981.

EPA SLN No. WY 81 0013. Burroughs Wellcome Co. Registration is for Atraban Cattle Ear Tags, to be used on dairy and beef cattle and calves to control horn flies, face flies, Gulf Coast ticks, spinose ear ticks, stable flies, and house flies. October 22, 1981.

EPA SLN No. WY 81 0014. Y-Tex Corp. Registration is for Gardstar, to be used on dairy and beef cattle as insecticide tags. November 6, 1981.

(Sec. 24, as amended 92 Stat. 835; (7 U.S.C. 136))

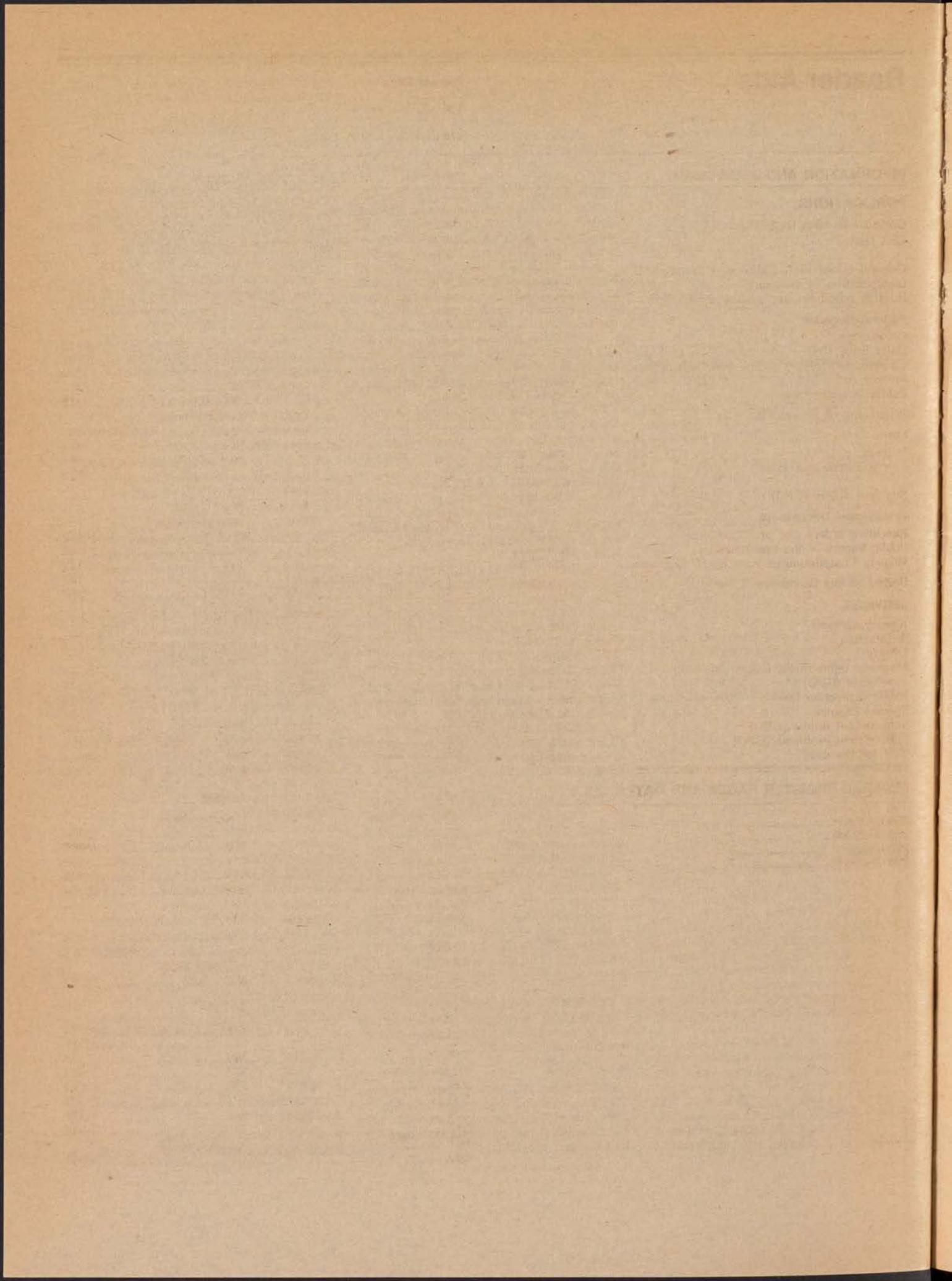
Dated: June 22, 1982.

Douglas D. Camp,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 82-16170 Filed 7-6-82; 8:45 am]

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This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the Federal Register but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-275-3030).

- S. 1519/Pub. L. 97-211 To designate certain national wildlife refuge lands. (June 30, 1982; 96 Stat. 141) Price: \$1.75.
- H.R. 3816/Pub. L. 97-212 To improve the operation of the Fishermen's Contingency Fund established to compensate commercial fishermen for damages resulting from oil and gas exploration, development, and production in areas of the Outer Continental Shelf. (June 30, 1982; 96 Stat. 143) Price: \$2.00.
- H.R. 4903/Pub. L. 97-213 Granting the consent of the Congress to an interstate compact between the States of Mississippi and Louisiana establishing a commission to study the feasibility of rapid rail transit service between the two States. (June 30, 1982; 96 Stat. 150) Price: \$1.75.